

Vox CLERI *pro* REGE:
OR THE
R I G H T S
OF THE
Imperial Sovereignty
OF THE
Crown of England
V I N D I C A T E D.

In Reply to a late Pamphlet pretending to answer
a BOOK, entitled *the Judgment and Doctrine*
of the Clergy of the

CHURCH of ENGLAND

Concerning the King's *PREROGATIVE*
in DISPENCING with

P E N A L L A W S.

In a Letter to a Friend.

We see the Principal Point of Sovereign Majesty and Absolute Power to consist principally in giving Laws unto the Subjects without their Consent. It becometh that the Sovereign Prince should have the Laws in his Power, to change and amend them according as Occasion shall require. The Learned Sr. Robert Filmer Earonet, in his Treatise of the Power of Kings; and in particular of the King of England, Fol. 5.

Printed in the Year MDCLXXXVIII.



THE PREFACE TO THE READER.

HAD it not been often told us both from the Press and Pulpit, by the Clergy of our *Apostolick Church of England*, as by Law established, that *Miracles* were long since ceased, a Man might have been shrewdly tempted to believe, She was now brought to Bed of a modern one, almost as astonishing as that of **TRANSUBSTANTIATION.**

Dr. Sherlock's
Serm. before
the Honour.
H. of Comm.
May 29. 1675.
p. 26.

Lett. to a Dis-
sentee as in Sr
Rog. *Entrance*
his Ans. to it,
page 45.

The P R E F A C E

For what has the Cry, the *Universal Cry*, of the Church of *England* been, but Loyalty to their Prince, "a Loyalty upon firm and steady Principles, and **without Reserve**; and that "there is "no such lasting and immoveable Loyalty, as that "of the Church of *England*? And for these Four last successive Reigns of his Majesties most Royal Predecessors, how have the **true Sons of the Church of England**, with all their laboured Wit, and strength of Reason and Argument, in confidence with such their inimitable Loyalty, been advancing the Power of the Crown? Exalting the Prerogative, in Matters not only Ecclesiastical, but Civil, **ABOVE THE LAWS**? Making the King to be **LORD OF THE LAWS**, and so not obliged to "an unseasonable and superstitious "Reverence of the Laws, but that he may for a "while lay aside all strict Observance of them, "and make use of an Arbitrary Right? That he *himself is instead of the whole Law*, *Yea, he is the LAW it self, and the only INTERPRETER thereof*? And that "he may take what Causes he "shall please to determine from the Determination "of the Judges, and decide them in his own **ROY-AL PERSON**; for it was clear in *Divinity* that "such

Dr. Sherl. ut
sup. p. 31.

Sr. Roger's Anf
ut sup. p. 1.

A. Pp. Usher's
Power of the
Prince, p. 89.

Bp. Sanders.
Case of Consc.
Lect. 7. Sect. 18.

Sr. Th. Ridley,
LL D. his View
of the Civ. and
Ecc. Laws,
3 Edit. p. 4. c. 1.
sect. 1.

A. Bp. Bancroft
Jac 5. Co. 12.
Ecl. 64.

To the READER.

"such Authority belonged to the KING by the
"Word of God in the Scripture?

"That it belongs not to Subjects to Censure,
"but to Honour and Obey their Sovereign, who
"comes to be so, by a fundamental hereditary
"Right of Succession, which no Religion, no Law,
"no Fault, or Forfeiture can alter or dimi-
"nish?

The Vice-
Chanc. Spee. h
to the K. in the
Name of the
University of
Camb at New-
market, Sept.
18. 1681. vid
Gazett. numb.
1653.

"That 'tis an eternal Law, from the First to
"the Last, *Suprema Lex*, that of the Legislative
"Power, wholly and solely to have its Resiance
"there where the Scepter is, like that of the
"*Medes and Persians* never to admit a Repeal?

Serm. bef. Ld.
Mayor, &c.
July 30. 82. by
John Whitfield
A. M. Rector of
Bugbroo' near
Northampton,
p. 19, 20.
Dan. 6. 8. 15.

In a Word, to have no Fears of POPERY, nor
of ARBITRARY GOVERNMENT. In
the time when Hawkeys were loaded with whole
Litters of Pamphlets, *we heard* (saith the Reve-
rend Master of the Temple) *new Stories told of*
the Growth of Popery, and Arbitrary Government,
when Thanks be to God, we saw, nor felt, no such
thing; and therefore we were over and over again
warned to suspect Those, as Factionous, Seditious,

Dr. Sherl. Iga-
sonab. Reflect.
on the Discov.
of the late Plot,
in a Serm. 2
Edit. 83. p. 23.

The P R E F A C E

and Dangerous to the Government, who shall alarm our Passions, our Fears and Jealousies, that

Dr. Sherl. Sermon.
bef. H. of Commons, May 29.
1685. p. 26 27.

“the most Holy Religion of the Church of Eng-

“*land* is in any Danger: For next to having our

“King of the Communion of the Church of Eng-

“*land* (saith the last mentioned Learned and Loyal

“Dr.) we can desire no more, than to have a

“King, who will defend and protect it. For far

“be it from me, and from all Loyal Subjects to

“distrust those solemn and repeated Assurances

“which our King hath given us of this Matter.

“A Prince whose Mind is as Great and Noble as

“his Birth, who abhors all mean Arts and equi-

“vocal Reserves, and scorns either to dissemble

“what he believes himself, or to speak what he

“does not think.

“And at once, *says a Divine of the Church of*

England (it is pity he has not acquainted us

with his^{own} Name) in his “seasonable Advice to

“the Citizens, Burgeesses, and Freeholders of Eng-

“*land*, concerning Parliaments, and the *then* pre-

P. 22 23, 24. “sent Elections, *printed* 1685. to banish the wild-

“est Fears, and most unreasonable Jealousies,

“that there is great Danger of our being sudden-

“ly

To the R E A D E R.

“ly overrun with Popery, his *present* Majesty has
“been pleased to give us his most gracious Pro-
“mise, that he will *always take care to defend and*
“*support* * it. “And who can entertain the least
“Doubt of the Sincerity of his Royal Word?
“Flattery and Dissimulation are base and plebeian
“Vices, that can never gain Admittance in a
“Noble and Generous Mind. The Honour of
“him that speaks, gives a proportionable Value
“and Credit to what he says; and the Word of a
“King ought to be esteemed as Sacred and Invio-
“lable as his Person. And when we have the
“Word of a King, and such a King as was never
“known to fail of his Word, it is the vilest Ingra-
“titude, and the highest Affront and Dishonour
“we can do him, not to rest perfectly satisfied,
“but to express a Distrust, where he has given us
“the greatest Assurances imaginable. For to con-
“ceive that a Prince of the most unspotted Honour,
“and unquestionable Generosity, should so often,
“and so solemnly declare, what he did not really
“intend, and firmly resolve to perform, is little
“less than a Contradiction: I am sure it is far be-
“yond the ordinary Rate of a moral Impossibili-
“ty. And They that will not be convinced by

* The Church
of England.

“this.

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“this, stand in need of daily Miracles to create a
“Belief. But God be praised, we have great Rea-
“son to be full of Hopes; for the Danger of the
“prevailing of Popery, for ought we can see, is
“chiefly seated in our own cowardly and mistrust-
“ful Fancies: Unless it should please God to pun-
“ish us, for pretending too great a Sollicitude for
“the future; which is a Degree of Infidelity to-
“wards him, and in this Case, the most unpar-
“donable Indignity, and Dis-respect to our Sove-
“raign.

Id. p. 21.

“And, *says he*, we have been told, that we were
“in eminent Danger of **Arbitrary Power**, that
“all things should be managed by the present
“Will, and uncertain Humour of those that Go-
“verned, and that our Lives and Fortunes stood
“continually exposed to their Pleasure. ——— For
“Answer to this, we need but to examine again,
“and consider, whether every thing has not been
“administred in the due Form and Course of Law;
“and then why should we entertain these fright-
“ful and uncharitable Suspicions? Princes do well
“understand, that *the Throne is established by Right-
“ness*; and that it is their most unalterable In-
“terest,

Prov. 16. 12.

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“terest, to take care that Justice be duly, and im-
“partially executed. They whom the Laws have
“setled in the highest place of Eminency and Pow-
“er, will always have a tender Regard to these
“Laws by which they reign, and do support their
“royal Dignity and Prerogatives.

This hath been all along *the most Pure, unsophisticated, the most Primitive, and Loyal Religion of the Church of England.*

Dr. Scot's Sermon
mon. 1st. Lord
Mayo, 8. C. 26.
July 8. p. 18.

But now of very late, in the Reign of King
JAMES the Second, they seem to have suffered
(as the reverend Doctor Scot phrases it) *their Pride
or Discontent to prey upon their Loyalty.* And Idem p. 25.
these Gentlemen of the sacred Function (for some
great Wits will have bad Memories) have forgot
their Preachments, abandoned their Principles,
changed their Opinions and Judgments, and are
become as different from themselves, as they are
from their Predecessors, as if both the Divinity and
the Law of the Kingdom were now changed with
the Times.

Strange

The PREFACE

Strange unexpected Turn! And somewhat at least Miraculous! What! The *Loyal* Church of *England* sullen and moody! Stomachful, growling, and petulant! Because the King doth govern by *that Law* of his *Prerogative*, which she her self hath owned to be his *Right*? And which He extends in such gracious Influences, as only to give Ease and Abatement to those of his Subjects, who have suffered with their Prince, and been (not *hug'd*, but) *squeezed* and *persecuted* meerly for *Religions* sake, by a strange sort of People (called *Protestants*) among our selves, that had seemed to have put off all Humanity, and wrapt themselves up in the Skins of *Wolves* and *Tygers*, thereby to be perpetually prompted to *tear* and *worry* all that came within the Grasp of their *insatiable Rapacity*.

Dr Sherl. Case
of Resist.
Heylin, ovian,
Ec. passim.

Letter to a
Dissenter, as in
the Answer to
it by Sr R g.
p. 14.
pag. 14.

Would She now *restrain* that *Power* by *Law*, which She her self hath acknowledged to be *Imperial, Unlimited, Absolute, Free, Unconditional, and Independent*, (as will be shewn in the following Sheets) and by which Alone She hath declared the *Law* ought to be interpreted? To come so quick from an other extream, is such an *unnatural motion*,

To the READER.

motion, that the King may perhaps think He ought to be upon his Guard.

Hath She so often Preached and Published, that
 "Subjects should always believe well of their
 "Prince, (*optime præsumendum de Magistratu*, as
 Dr Gell's Words are) and does she now "begin
 "to entertain, or to whisper her Discontents and
 "Fears? Does she even more than "begin to
 "listen to suspicions of her Prince, or of his Go-
 "vernment, and to hear with pleasure any scanda-
 "lous Stories or Reflections on either? Those (says
 Dr Sherlock most admirably) "who can with
 "content and pleasure hear their Prince and his
 "Government reviled, will soon think him not fit
 "to be their King.

Dr Sherl. Serm.
 before H. of
 Commons,
 pag. 29.
 Dr Gell's Re-
 mains. fo. 43.

Dr Sherl. sea-
 sonable Reflec-
 tions, &c.
 pag. 21 22.

Let her then take heed how she trinckles with
 the Crown, and be afraid of bringing down the
 Royal Thunder upon her own Head, by any Behavi-
 our which may seem as unnatural to her *tryed and*
experienced Loyalty, as it would be undutiful to the
 most Gracious of Sovereigns.

Dr Sherl. Serm.
 before H. of C.
 pag. 31.

G

"We

The P R E F A C E

“ We live under the Government of a King who
Idem. pag. 28. “ discovers a Great and Princely mind in all his
“ Actions, and this *secures* us of as much happiness
“ as we can expect under any Government.

And may I not very justly apply the Words of
the Reverend Dr. *Scot* concerning the Government,
Dr. *Scot's* Sermon before the Ld Mayor &c. 16 December 1683. pag. 16. at almost the very close of the late *Blessed Kings*
Reign, to this under his present Majesty? “ It is a
“ Government which is not only in it self the most
“ gentle and easie in the World, but also administred
“ with an unparallel'd Lenity and Goodness, by a
“ most Gracious and merciful Prince, a Prince that
“ hath been indeared to us by the most signal Favours of Heaven, by so many wonders of Providence, and strange repeated Deliverances, and
“ under whose Gracious Influence and Protection
“ we have hitherto sate under our own Vines.

Bishop *Ely's* Sermon at their present Majesties Coronation, 3 April 1685. p. 27.

Let Her *be thankful to God then* (as the Right Reverend Father in God, *Francis* now Lord Bishop of *Ely*, advises her) *for those Blessings she hath, and to the King under whom they will be continued to her, and be satisfied with her Condition; and take heed of overturning*

To the *R E A D E R*.

*overturning or undermining the whole Fabrick, because
ſhe cannot have the Room that ſhe would chooſe in it.*

Let God have his Due to be Worſhipped by All,
and let *No Ones Liberty be judged of another Mans*
Conſcience.

1 Cor. c. 10.
v. 29.

If the King makes uſe of his Prerogative in a
way of more Mercy, Tenderneſs and Eaſe, than
any of his Predeceſſors have done, Let the Church
of *England*, “ whoſe Religion and whoſe Genius
“ is not of a perſecuting Spirit, (as the Right Re-
verend Biſhop of *St Aſaph* informs us) tho’ he
“ knows not how it may be in particular Perſons,
but he ſays it again, “ She hath no Doctrinè that
“ teacheth Perſecution, and therefore “ that tem-
“ per being added to the other marks of a true
“ Chriſtian Church, may aſſure us, that ſhe is a
“ Church according to the mind of Chriſt: I ſay,
let the Church of *England* now moſt readily kiſs the
Royal Scepter of his Grace, and for her own dear
ſake bleſs God, that ſhe hath a King, who is not
of the Judgment, *that Conſcience ought to be forced,*
and is therefore reſolved it ſhall never be *in theſe*
Kingdoms during his Reign over us, and let her in

Bp. *St Aſaph's*
Sermon before H.
of Loidſ, 5
November. 1686
p. 20.

His Majeſties
Gracious De-
claration for
Liberty of
Conſcience.

The P R E F A C E

this His Day acknowledg all those Rights and Prerogatives to be in Him, which Her true Song have so unanimously confessed to be inherent in the Crown of *England* in the Reigns of his most Noble Progenitors. For can any of them prove, that those Prerogatives dyed with the late King? Or that by any Law, either Divine or Humane, those Prerogatives are abrogated and rescinded? Or will any deny that his present Majesty is not the lawful Successor, as well to the Prerogatives and Powers that belong to the Crown, as to the Diadem of the Kingdom? for Power (we are informed) *descends as well as an Estate*. Or is He not as much King of *England* as any of his Ancestors were, and as rightfully invested with all the *Regalia* of Government both in Church and State as They? Certainly to these Questions None will give a *Negative*; then, as *Argumentum ad hominem* to the Church of *England*, let me press their own Text upon them, *Give Ye unto Cæsar the things* you have so constantly acknowledged to be *Cæsars*, especially in matters Ecclesiastical, which You Your selves by an *Uniformity* of Consent have so vigorously asserted and maintained (to borrow an expression from the *Answer* for *very good Court Doctrine*, in your Pulpits, in the

Dr. Sherl. Sermon.
before the H.
of Commons.
pag. 3.

Answer, pag. 30.

To the READER.

the Face of your Congregations, in your Elaborate and Judicious Writings, and (to go higher yet) in your supream and *sacred Synods*, and published them all to Posterity as everlasting Monuments of Your unalterable Loyalty to the Crown of *England*, and shew the same *future Loyalty to Gods illustrious Vice-gerent, by a firm relyance on his Royal Promises, which hitherto have been ever Sacred and Inviolable.*

Dr Scot's Sermon.
before the Ld
Mayor, &c.
26 July 1685.
pag. 28.

The Design of the following Papers is not therefore so much now to argue the Point of the Privilege, as to prove that *the Clergy of the Church of England* have asserted it, and it is expected from them, that they will not forsake their so long avowed Principles, but still with a constant and unshaken Bravery adhere to them *WITHOUT RESERVE, for Princes must value Obedience and Subjection as they do their Crowns, and they cannot but like and reward such Loyalty.*

Dr Sherl. Sermon.
bef. H of Commons, p. 30.

I shall only beg your Patience so far, as to add one Passage more to the Consideration of our Church of *England's* Clergy, and that is as I find it *Verbatim* in the Reports of that Learned Lawyer

Williams

The, P R E F A C E

William Noy, sometimes Reader of the Honourable Society of *Lincoln's Inn*, and after *Attorney General* to our Blessed *Martyr*, King *CHARLES* the First: The Words follow.

Before many Noblemen, Arch-Bishops, and Bishops, and the Justices and Barons of the Exchequer.

Noy's Reports,
fol. 100, 101.
H. 2. Jac. 13
Feb.

Agreed that the Depriuation of Puritan Ministers for Non-Conformity to the last Canons, was lawful by the High-Commissioners: for by the Common Law the King hath such a Power in Causes Ecclesiastical: And it is not a thing de novo given by the First of Eliz. for that is declaratory only, &c. and the King may delegate it to Commissioners.

And the King without a Parliament may make Constitutions, for the Government of the Clergy, and that such a Depriuation ex officio, without Libel, is good.

Give me leave to conclude all with the Prayer which *Tertullian* was wont to make for the Emperours

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perours, and I am sure as proper now for this *Apo-*
stolick Church of England, in behalf of his present
Majesty (having shewed so much Tendernefs and
Compassion to all his Subjects, of which our Church
of *England* hath been no small Partaker) *wishing* Tertull. Apo-
to the King long Life, a secure Government, a safe log. cap. 2.
House, valiant Armies, a faithful Senate and Coun-
sellors, a good People, a quiet World, and whatsoever
King or Subject can desire.

Adieu.

THE

THE

T H E
R I G H T S
O F T H E
Imperial Sovereignty
O F T H E
Crown of England
Vindicated, &c.

SIR,

AMong the several News-Papers you sent me, I received [*An Answer to a late Pamphlet, intituled, The Judgment and Doctrine of the Clergy of the Church of England, concerning one special Branch of the Kings Prerogative, viz. Dispensing with Penal Laws.*] Which you seem to look upon as a very Shrewd, if not Unanswerable Piece.

The Book it pretends to Answer, I know, was designed to allay the Heats and Passions of prejudiced Minds, and to set men right and quiet in their Understandings, which is always a *generous Principle*, and much more to be accounted so, when there seems to be a *strong and violent Motion* in the Kingdom; and those who of late have been so much magnified for their *signal Loyalty* to their Prince, are now so restless and uneasy under him, as to construe His most gracious Actions, as male-administrations of Government.

B

The

The Answer too, as I am credibly informed, is so mightily cried up by the *Clergy* of the Church of *England*, especially in the Country, that there is scarce a sorry Parson, who, as the Reverend Author of the *Grounds and Occasions of the Contempt of the Clergy*, says, *has but got a little Hole over the Oven, with a Lock to't, called his Study*, but has got one of These to fill up the *Boudget of old stitched Sermons* and Pamphlets that hang behind the Door.

Grounds
and Occa-
sions of
the Con-
tempt of
the Cler-
gy, 9 Edit.

p. 104.

Forian, in
the Intro-
duct p. 23.

Upon my first cursory Perusal of it, I discerned, as I thought, many Contradictions and much fallacious Reasoning in it; upon this I took heart, and read it again more observantly, and then plainly saw that it was not Unanswerable, tho' it was a very cunning and artificial Piece.

p. 1.

p. 3.

And had I not (as the Answerer says) learnt to wonder at nothing, it would more than a little have surprized me, to find such Shiftings and Doublings used to answer a Book that was apparently written with an honest and loyal Design for the Service of the King, by convincing men, that our Reverend Judges (in declaring the dispensing Power to be an incident inseparable Prerogative in the Kings of England) have acted according to the Consciences of Right Protestant Church of England-Men, and that there was a concurrent Harmony of Divinity and Law in the Point.

Answer p. 6.

p. 34.

But such is the Malevolency of the present Age, that there shall not come out an honest Prerogative-Book, that makes for the Interest and Honour of the Crown, but it shall presently be reflected on, and misrepresented, by a certain Clann of men, who, when once they are discontented, cannot forbear being Clamorous; and tho' they still would be thought Great Sticklers for the King and his Prerogative, in affirming, *He hath all those Rights which are involu'd in the very Notion of Imperial Sovereignty*, yet whilst they are afterwards restraining him in the Exercise of that Sovereign Power, it plainly shews, that however they may seem (with most solemn Reverence be it spoken) to honour him with their Lips, yet their Hearts are far enough from him.

Well, but as all Sophistical Writers are apt to do, the Answerer hath ominously stumbled at the Threshold, and un-

done

done his whole Pamphlet in the very first Page of it, by his own acknowledging the Kings dispensing Power: and therefore all his after-Noise to the World will prove to be but a Squib, Powder without Shot, that giveth a Crack, but vanissheth into Air, and doth no Execution: For, says he, *It is certainly now the Right of the Crown, as much as the Opinion of the Judges can make it so; and I never dispute against such an Authority:* Unless he intends this for an oblique and scurrilous Reflection upon the Reverend Judges; and if he does, they are extreemly obliged to his Civility, and I could easily tell him what such a bold and adventurous *Innuendo* deserves. But he fears nothing, when his Zeal and his Discretion are once upon the fret, as you will find by these Words that follow; *When (says he) I once know what the Judges declare to be Law, I will enquire no further; their Opinions solemnly declared must silence all Disputes, because they carry Power and Authority with them, unless any Superiour Authority think fit at any time to judge over their Opinions.* This is another stroak of his Rhetorick, much what to the same purpose, but only with a more apert and forward Explanation.

Ay, but the Answerer thinks it is a *Disparagement to the Judgment of the Reverend Judges, to call in Clergy-men to help them out.*

I would fain know what this Writer means by his Phrase *to help them out*; does he think, that what they had done, could not be supported and justified upon those weighty Reasons and Authorities of Law, which they most evidently went upon? Methinks, tho' the Answerer scruples not a Point of Boldness with the Author, yet he should not put such bold Reflections upon the Reverend Judges; for it is plain, that the Answerer's *Innuendo* could not be the Author's Meaning: For he, by shewing the Opinion of Divines in this Point, could only aim at the Conviction of the Consciences of those who understand Divinity better than Law, and therefore urged (as *argumentum ad hominem*) the Opinions of the most Eminent of their own Profession.

But surely in the general, it can be no *disparagement to the Judges, to shew to the World how the former Opinions of*

Divines concurr'd with their Judgments: for the Authorities (cited by the Author) to justify *this Branch of the Prerogative*, are not so new, as *not to be well understood in former days*; for these are Authorities precedent, not subsequent to support it.

P. 1. But, says he, the Author has set down the *Doctrine of the Clergy before the Judges themselves, as a Rule and Pattern for them to follow*. I desire to be informed, whether almost all those Books and Sermons were not written long before the Judgment of the Judges was given; and whether the Judgment of the Judges was not a good while before the Author published his Book; if so, how then could he set the *Doctrine of the Bishops and Clergy, as a Rule and Pattern for the Judges to follow*? But I only mention this in way of Friendship to the Answerer, and to remind him of his own good Advice to the Author, and then *let him consider this matter over again, which will be worth the while, if it be only to teach him to reason a little*.

P. 1. Ay, but, says he, *I am very much offended with that Priority he gives to the Judgment of Churchmen in this Point, before the Judgment of the Judges*; and cries *fit for shame at it!* and that *the Clergy should preach about the Prerogative, and be made Judges in matters of Law*. Who can help it, if he will take offence where none is given or designed him? The Author did not mean to send people to the Pulpit for Law, nor to the Inns of Court for Gospel; 'tis enough in this Age to find that from the Men of the Pulpit: But with this Gentlemans good favour (whose Art seems greater to perplex a plain thing, than his Candour to acknowledg it) *the People*, who, the Author thought, *would rather believe Divines than Judges in matter of Law*, must certainly be the Inferiour Clergy, and then it was very proper to shew them what the Opinions of the Bishops were as to this point: For if the Clergy did not believe *Divines* rather than *Judges* in matter of Law, they would not so often take upon them in the Pulpit to teach People *Systems of Law* according to their own Notions.

I do believe if some are provoked, there are Books enough in print, and that by the most Eminent of their Divines,

to-prove, that they have asserted greater things in favour of the Sovereign Power of the Prince, than hath in so charitable a case been exercised by his present Majesty. And if that be true, as I think the Quotations the Author hath given do prove, either literally or consequentially; whatever the Answerer's Opinion is, he must own it to be *Argumentum ad hominem* to the Church of *England*; and therefore She cannot reasonably be angry, that the King uses a Power She hath so long acknowledged to be in him, because He doth it in a better Work than ever She hath yet employed it in.

And to satisfy this Answerer (if Reason will do it) why the Author in his late Papers gave this *Priority* to the *Judgment of Churchmen*, perhaps it were for one or both of these Considerations.

1. Either because he had a mind to set them down in distinct order of time, to shew, that this was *well understood in former days*, tho' possibly the Answerer had not look'd so far back himself, but only took it for a thing of Novelty. Or,

2. Because he thought it a Duty in him to defer so much to the Reverend Bishops, who are Peers of the Land, and (as they are Lords Spiritual) have in all Acts of Parliament preference before the Temporal Lords, whereas the Judges are only Assistants in that Supreme Court of Judicature: and to inculcate into the Peoples Minds, that the Bishops had declared this to be a Gospel-Law.

And if the Answerer be a True Son of the Church of *England*, he hath no reason to think it a *Great Scandal*, that the Author hath preferred these Eminent Lights and Fathers of the Church to those that are but the Elder, and more grave Sons of the Church. p. 1.

In short, I think it is no Inconvenience nor Objection to shew, that the Common Law and the Ecclesiastical Law do agree and unite in the same Opinion in this Case, any more than if so many Bishops and Judges had been joyned in a Commission of Obedience, and should unanimously concur in Judgment: 'tis for the Honour of both Laws to see men of both Professions united in Opinion.

But

P. 2. But the Answerer in the first of his positive Reasons will not allow this; for, says he, *What have Churchmen to do to meddle with Law-Points, they are but Interlopers in that Profession, and have no skill in the matter; and therefore if any of them gives his Opinion in any Point of Law, his Opinion is not valuable;*

P. 3. *for it is generally seen that those are very apt to mistake, who guess at things out of their ken.* See how he contemns all their Judgments in these Matters, as much as any *quondam* Whigg, or Man of Property of them all: A pretty dissembling Craft this Answerer hath! I fear he is a Man a little now *within the Inflection of the Law-Air* (whatever he says of Dr. *Sherlock's* not being so, when he writ his *Book of Non-resistance*) and yet he seems to be a great Friend to this cause of Dispensing, and is vexed in his Mind, that it should have no better, nor more skilful Advocates than Bishops and Clergy-men. For he pretends to have but a mean Opinion of the Clergy, and a very great One of the *Laity of the Church of England*, that they will not be taken with such Baits as the *venerable Names* of their Priests; and that they are not so *Priest-ridden as they are at Rome and Geneva*; if he had said that they are not so willing to be Priest-ridden, I believe it had been much more true; for I think of late the Priests have been whipping and sparring, and teaching of the People, as *Gideon* did the *Men of Succoth, with Briars and Thorns*; and they are somewhat to be excused if they be no longer desirous of such Priestly Treatments. These are the men that prevail, as he says, not by *their Names*, but the better dint of *Argument*, though they could never argue for their Church without an Act of Parliament on their sides. These are They, I suppose, he calls *Prerogative-Divines*, that are not fit to talk of it.

Ibid.

Well, after all this Splutter at the Churchmen and Clergy of *England*, he falls next to shoot his angry Bolts at the Collection, because, he says, *it weakens the Authority of those many excellent Discourses which have been written about Non-resistance,* so highly asserted in the late evil and critical times. It hath been so, 'tis confessed, and hath proved, *That neither the Laws of God, nor Man allow any Subject the benefit of forcible Defence against the illegal violence of his Sovereign, but that by the Laws Imperia*

P. 4. *Jovian, Or an Answer to Julia, the Apostate, Ed. 1. p. 207.*

Imperial he ought to die, rather than resist: And that Kings are invested with that Sovereign Power which must not be resisted, though they oppress their Subjects to maintain their own State, and the Grandeur and Magnificence of their Kingdom. But this Answerer makes it now to be such a sort of Non-resistance, that leaves neither our Lives, Properties, Liberties, nor Religion at the Will of the Prince; then it seems he is for a restraining, that is in plain English, a nonsensical Non-resistance: Let him be so, if he pleases, and much good may do him with it: That is not the Prerogative-Point in dispute, but by his dogmatizing about Non-resistance, the Answerer hath discovered himself to be a *Clergyman*, tho' he hath writ with all the Art and Elusion, to which the Capacity of his Wit could extend, to hide himself under a Vizard; but now he is unmasked, the Mark is plain in his Forehead.

And He is of That Church which values her self upon being established by Law, that is, as They themselves hold, by the Law of their Prince, and by their own consequence, as it is necessarily implied, tho' not now avowed, determinable by the same Sovereign Power which made the Law; agreeable to which the Reverend Doctor *Sherlock* hath well observed, in vindication of Penal Laws in matters of Religion, that such Laws ought to be made, *That it may be no Man's Temporal Interest to dissent from the Religion of his Prince*; well knowing, that it doth not much become any man who can think three Consequences off, to talk of the Authority of Laws in derogation to the Authority of Sovereign Power, which is, the Prince, as the Dr. acknowledges, for *Eusebia* in the New Testament, he says, always signifies the Authority of a Person, not of a Law. And hence it signifies the Person invested with this Authority; and Sovereign Power is inseparable from the Person of a Sovereign Prince: and his most Illegal Acts have the Authority of Sovereign Power.

But why should this Answerer, that has owned the Dispen-
 cing Power in the first Page, labour now so wonderfully
 to shew, that the Pastors and Bishops of the Church, which
 hath been a Martyr for Loyalty, were not of this Opinion, and
 to reflect upon them, and upon the Author for quoting of
 them, to prove it? unless he resolves to set up for a half-witted
 Scribler.

Dr. *Sherlock's* Case
 of Resi-
 stance, p. 13

p. 4

* Season-
 able Re-
 flections
 on the Dis-
 covery of
 the late
 Plot, p. 16.
 v. to the
 same pur-
 pose the A.
 Deacon of
Chichesters
 Sermon.

Loyalty &
 Conformi-
 ty, p. 13.
 Dr. *Sherlock's*
 Case of
 Resistance,
 p. 199.
 Id. p. 113.
 Id. p. 199.

Dr. *Sherlock's*
 Plot Sermon,
 p. 19.
 Answer, p. 5.

Scribler himself, to serve (as he says) a present turn, endeavouring to lessen the Reputation of those Divines, who have appeared so zealous for the Kings Prerogative, and his Power of Dispensing.

I come now to consider what Answers are returned to the Testimonies the Author hath produced, to prove, that it is the Doctrine and Judgment of the Reverend Clergy of the Church of England, that it doth inseparably belong to the Kingly Office to dispence with Penal Laws ; but I don't find it any where in the Author's Book, as the Answerer will make him speak, that it is an inherent and inseparable Right of the Crown to dispence with ANY Laws ; but this by the By.

'Tis true, as he says, the Author begins with the Reverend Dr. Hicks, Dean of Worcester, and has quoted some Passages out of his *Jovian*, which this Answerer declares to be one of the best Books that ever was wrote for Passive Obedience : Be it so, (to use his own Phrase rouching the Dispensing Power in the King, and Liberty of Conscience) I will not dispute that : but I will be bold to say, it was then at its first coming out, one of the most declared Pieces against the next apparent Successor to the Crown, that possibly This Age hath produced, (considering how it came from that Gown whose peculiar Excellency it is to preach up the Doctrine of the Cross,) I am sure void of all good manners, and whether it had the true Tincture of the Church of England's Religion, and of her so much applauded Loyalty in it, or not, let the Answerer seriously, like a Divine consider.

Says the Dr. (and you must remember this, that He had all the while a Popish Successor in his Eye) so far are all Those, who are so tender of the Succession, from having any Tenderness for a Popish Successor, that they dread him like the Plague, and therefore would have had provisional Laws made to bind such an One, and put him under very close Legal Confinement, in case he should be King.

But to go higher, speaking of the Nicknames, which the pleasanter sort of Christians gave unto Julian, which Johnson said were Instances of their Hatred and Contempt of Julian ; the Dr. speaks thus, Perhaps they were so, but not of the Man, nor of the

the Emperor, but of the Apostate and Idolater, whom the Christian Religion would have allowed a Confessor to have called so to his very Face. And then with a very rash and intemperate Zeal he breaks forth into *scurrilous and irreverent Phrases* by way of Application, *Be it known unto Mr. J. says he, that many of those who have thundered so much of late with the Thebæan Legion, would think it rather their DUTY, than any Breach of it; to tell not only a Popish Prince, but a Popish King to his Face, did he openly profess the Popish Religion, that he was an Idolater, a Bread-Worshipper, a Goddess-Worshipper, a Creature-Worshipper, an Image-Worshipper, a Wafer-Worshipper, &c. which would be a far greater Contempt of him, than to nickname him from his Popish-Idols, and mock him with them behind his back.*——I would be gladly satisfied whether this Re-

Ibid in the Introduct p 3.

verend Dean (not to urge it on the many of Those, who, he says, have thundered so much of late with the Thebæan Legion) now he sees a Popish King established by † God alone on the Throne of his Ancestors, and openly professing the Popish Religion; I say, whether he hath performed this his Duty to him, or during all these three years last past hath lived in the fearful Neglect and Breach of it? If it were his Duty, no Prudentials whatsoever ought to have made him decline it; (For † Prudence, (as Dr. Sherlock says) will not allow us in the neglect of any part of our Duty, whatever the Event be.) And if it were not his Duty, why then all those Flowers of such an indecent Rhetorick, unless to stir up the Populace to the utmost Indignation against the * next Heir upon the Line, only because his Religion was not conformed to the present Legal Establishment.

† Jovian in
Pref. Præ-
dium Do-
mini Regi
est direc-
tum do-
minium
Cujus nul-
lus Au-
thor est ni-
si Deus. C.
1. Inf. 1. b
† Dr. Cala-
mes Func-
ral Sermon.
p. 21.
* Id. in Pref.

But this does not suffice him yet neither, He thinks it perhaps rather his DUTY than any Breach of it, to declare, that if it should please God for our Sins to plague the Church with such a spiteful Enemy of Christ, and suffer a Popish Julian indeed to reign over us, I here declare, that I should believe him incapable of Repentance, and upon that Supposition should be tempted to pray for his Destruction, as the only means of delivering the Church.

† Jovian,
C. . p. 152.

Christian
Loyalty,
B. 2. C. 2.
§ 3 p. 396.

† *Footian* in
Pref.
* *Id.* p. 207.

Blessed God! to what *Extravagant Excesses*, as the Learned Dr. Falkner observes, do Men's ungoverned Heats and Passions hurry them! If this be one of the Best Books that ever was wrote for Passive Obedience, as the Answerer so positively affirms, I know not what could be then a worse for Irreverence to a most Illustrious Prince, who in case of Survivance was to be (as now he is) † King by the ordinary Course of Hereditary Succession, seeing the Dr. * was very serious, and in earnest, when he delivered this Doctrine for Evangelical, and (as he says of himself) he doth not write rashly.

Dr. Sherl.
Seasonab.
Reflect.
Edit. 2.
p. 20.

† *Attempts*
is the Do-
ctors word.

Id. p. 21.

But Whatsoever he says, this is but one Doctors Opinion, and I am of another's who herein informs us a great deal more honestly, *That such a Boisterous Zeal is the Frenzy and Calenture of Religion, which makes men incapable of all sober Counsel, and prudent Resolves, and precipitates them into the most wild, extravagant, and irreligious* † Transports. There is nothing more pernicious than Zeal, when it gets a head, and bears down all the Considerations of Reason, and Religion before it. When Men are Conscious to themselves, that they are engaged in a good Cause, and have honest Designs, it makes them more bold and venturous: For though few men dare own it, yet the Actions of too many sufficiently proclaim, that they think they may strain a point, and dispence with strict Duty, when it is (as they fancy) to serve a good Cause, when the Honour of God, and the Interest of Religion is concerned: such a Zeal does violently push men forward, but it does not steer well, nor observe its Compass. But says he in the next Paragraph, *A true Christian Zeal will not suffer us to transgress the strict bounds of our Duty to God, or of our Duty to Men, especially to Kings and Princes, whatever flattering prospect of Advantage it may give.*

Ans. p. 6.

Well, after this Account of so good a Book, by way of a just and necessary Digression, we will now come to consider the Answerer's Comment upon the Dr's Text, and see what wise work he makes of it. He tells us, Dr. Hicks does not say, that the Dispensing Power, is one of those Rights which are involved in the Notion of Imperial Sovereignty. He has enumerated what the Dr. has said to be those Rights, and he does
not

not mention this to be one: but it is agreed on both hands, that the Dr. has said, *That the English Realm is a perfect Sovereignty or Empire, and that the King of England, by the Imperial Laws of it, is a Compleat, Imperial, Independant Sovereign; that it is a Contradiction to call this an Imperial Crown — unless he have all those Rights, which are involved in the very Notion of his Imperial Sovereignty.* Now shall his not naming up all the Rights of such a Sovereign, diminish, or alter any of them?

Does the Dean say, that Coining is one of those Rights which are involv'd in the very Notion of Imperial Sovereignty, in his particular stating and enumerating the Rights of Sovereignty? P. 6.

No, He says no such thing; and yet, I hope, it is such a Right of Casars, that is essential to the Notion of Sovereign Power; for P. 7.

Dr. Sherlock assures us, † That Coining of Money is as certain a Mark of Sovereignty, as making Laws, or the Power of the Sword. p. 6.

*Then * is it not a Ridiculous Inference to say, that He who owns all the Rights of Sovereignty, owns no more, than what he himself says is a Right of Sovereignty? When the Law determines this Dispensing Power to be a Right in the King, can the Dean be understood not to own This as a Right, that affirms* † Dr. Sherl. Case of Resist. p. 56. & c. Id. p. 50. * Ans. p. 7

so in the Generality, that he hath All the Rights of an Imperial Sovereign? I think this is not affixing such a Consequence to his Words, but what is both a Consequence, and his. For who-soever owns the Power, must own all Incidents so inseparable, that without them there could be no such Power; whoever denies any such Incident, as effectually denies the Power, as if he did it in exprefs Terms; and whoever owns the Power, as effectually owns all the Incidents. Id. p. 5.

Methinks they are very unequal, who charge those of the Church of Rome with Consequences which the Persons charged believe *neither to be Consequences, nor theirs*, and yet will have it, that they, who argue from the Practice and Consequential Concessions of others, do themselves *own no more than what they believe they do own*: which Belief is variable according to the Circumstances which make them willing to believe one way or other, while the Rights of Government are unchangeable.

But the plain English of the matter is this ; The King had such Rights whilst they made for the Clergy of *England*, but though he hath still the same Power and Authority, there is now a secret Charm which restrains the Exercise of it : 'Tis a *Goliath's* Sword, which ought to be treasured up, and reserved for the service of the Sanctuary.

Ay, but the Dean has enumerated Five Rights of such a Sovereign : What if he had forgot one of them ? I hope the King must not have lost it therefore ; nor would it have been just for the Answerer to have said, that *Dr. Hicks* did not own he had that Right, because he did not name it : For the same reason, as to the Point in question, when our Author had cited an Authority, and many more he might have done, that the Power of dispensing with Penal Laws is a Right of an Imperial Sovereign, he might very well be allowed to quote *Dr. Hicks* as an Authority for the Kings Dispensing Power, who, he says, is an Imperial Sovereign, and *hath all the Rights involved in the formal conception of Imperial Sovereignty* : and this, with as much, or more, reason, than the Answerer makes the Comparison of a Popish Priests owning the Supremacy by owning the Imperial Sovereignty : If indeed Supremacy were acknowledged by him to be a Right of every Imperial Sovereign, then his Instance might have been made ; for the Dispensing Power is now acknowledged even by our Answerer himself to be a Right of the Crown, as much as the *Judge's Opinion* can make it so ; and therefore it must be taken as a Right of perfect Sovereignty, which are within the Words of *Dr. Hicks*. And now let the Reader judge who is the better Reasoner, the Answerer or the Author. But the Answerer was resolv'd to find, or make a Loop-hole for the Doctor to slip Collar when he pleased, or to contrive such an Expedient for him, that as the time serves, he shall be a High *Prerogative-Divine* for asserting the King to be an *Imperial Sovereign*, and to have all the Rights of such a One ; but when the Tide turns, and the Scene a little changes, then truly he will still own the Prince to be an *Imperial Sovereign*, but not in that Sence as others mean, but as he means, and he means as he pleases to mean, *viz.* An Imperial Sovereign that hath

Jovian,
p 200.

Ans. p 4.

fo many Rights as he thinks fit to give him, but that cannot dispence with Laws, that *hath the Legislative Power, but shall be limited as to the Exercise of this Power*: And This is the new-fashion'd Imperial Sovereign to serve upon this occasion. This is but meer Shift and Equivocation, as well as the Instance or Comparifon of the Popish Priest; for the Answerer must acknowledge the Kings Ecclesiastical Supremacy to be a Right of his Crown *ex vi Termini*, and must be included in it, tho' he has not named it, supposing he means to continue a Protestant; Then any Protestant might say, that if he acknowledge the Rights of the Crown, he does also acknowledge that Right; but the Conclusion would not hold upon a Popish Priest: The same reason there is for the Power of Dispensing, since the Judges have declared it to be Law.

But admit the Dean has not owned this Power in exprefs Terms, I hope the Answerer will say he comes very near to the purpose, if he does not shoot vastly beyond the Mark. He says, *It is the Lex Legum, or great standing Law of this Inheritable Kingdom, that nothing is to be consented to in Parliament, which tends to the disinherifon of the Crown, whereunto they are sworn. This is the Great Rule by which all Acts of Parliament are to be framed, and if any of them transgress it, they are as null and void from the beginning, as Marriage with a Person, who hath a natural Impediment or Imperfection. By this Supream Inviolable Law, "an Act of Parliament for debarring the King of the "Service of his Subjects, would be null and void from the "Beginning. Now if there be any such Acts that have deprived the Subjects of paying their Natural Service to their King, to which they are bound by the Duty of their Allegiance, at all seasons when need shall require; I say, if any such Acts have been made, can any one imagine Dr. Hicks does not in Conscience believe, that the King, who by the Laws Imperial of this Realm, is declared to be a Free, Unconditional, and Independent Sovereign, has not at least a Power of dispensing with these Laws, or, as Dr. Sanderfon phrases it, of setting aside for a while all strict Observance of such Laws, when He says so peremptorily, that they are null and void in themselves from the beginning?*

Ans. p. 7. 8.

Id. p. 23.

Rot. Parl.

41 E. 3. a. 7

Jovian, in

Pref.

11 H. 7. c.

18. vid. 35

H. 8. c. 12.

in Radial

Jovian,

P. 45.

Ans. p. 11.

And

And does not Dr. Hicks here more than own the Great Point lately adjudged in *Westminster-Hall*, upon that Act of Parliament which requires a Test from all such Persons the King shall think fit to employ in his Service?

The next Authority is Arch-Bishop *Bancroft*, and the Answerer wonders he would cite that for two Reasons.

1. Because my Lord *Coke* contradicted the Arch-Bishop in point, which was, that the Authority which the Bishop said was in the King, of determining what Causes he pleased, belonged to him by the Word of God in Scripture, and was clear in Divinity?

Ans. p. 9.

Now I wonder more to find this given for a Reason; for does the Lawyer's Opinion convert the Bishop, that it is not his Opinion any longer? or would the Answerer make the Lawyer to be better read, and to have more skill, than the Bishop, as well in Divinity (of which the Bishop only makes his Position). as in Law?

Ibid.

2. The second Reason against this Citation is, because the Author cannot prove the Dispensing Power from this; for the King might determine according to Law, as the Judges do. I know what is the Duty of Judges very well, if not, Dr. *Sherlock* is ready to inform both Him and me, how very dangerous it is for any Subject, much more for any Judge, to serve his Prince contrary to Law. Though the Prince himself is unaccountable and irresistible, yet his Ministers may be call'd to an account, and be punish'd for it; and the Prince may think fit to look on quietly, and see it done: or if they escape at present, yet it may be time enough to suffer for it under the next Prince; which we see by experience makes all men wary how they serve their Prince against Law. None but persons of desperate Fortunes will do this barefaced; and those are not always to be met with, and as seldom fit to be employed.

Case of
Resist. p.

2. 1. 2. 12.

Ans. p. 30.

And yet these are only the Political Laws of the Kingdom, which ought to be the Rule and Standard of the Judge's Determinations: But the Answerer either is now of another mind, or else is very unwilling to let his Readers know, (what has been taught us by the Gown as by Law established) that the King is above the Restraints and Limitations of his Political Laws; for by the Name of King (as *Greg. Nyssen* noteth) we understand such an One who hath absolute Power in himself.

Bishop
Sherlock's
Power of
the Prince,
p. 35. *vid.*
37.

And

And therefore when he finds, that is, judges it convenient for the general ease of his People, he may make use of his Imperial, or Prerogative Laws; and by them may dispence with some that are Political; and we are all bound to submit to this his Imperial Power, if it does not contradict the Divine Laws; This we are clearly taught from Dr. Manwaring's Sermon, preached before King Charles the Martyr (*ὁ μακάριος!*) at Oatlands, 4 July, 1627. who says, If any King shall command that which stands not in any opposition to the Original Laws of God, Nature, Nations, and the Gospel; (though it be not correspondent in every circumstance to Laws National and Municipal) no Subject may without hazard of his own Damnation, in rebelling against God, question, or disobey the Will and Pleasure of his Sovereign.

It was well asserted by St. Austin, says the Reverend Dr. Falkner in his Christian Loyalty, (which Dr. Hicks says is) a Book, which ought to be read by every English Subject, that Subjects may and ought to obey their Prince's Commands, where they are certain that what he commands, is not against the Command of God; and even where they are not certain that it is so. And, says he again in the next page, We must acknowledge the Truth of what Hierocles asserted, even from the Principles of Equity and Reason, that Parents are no where else to be disobeyed, but where themselves are not obedient to the Divine Precepts. And the Duty of Princes is of a like Nature.

And saith Dr. Daniel Featly, When the Commands of God and of his Vice-gerent upon Earth, clash not one against another, St. Bernards Doctrine is most true, we must obey him as God, who is in the Place of God, in those things which are not against God.

We must be sure, as the Reverend Dr. Gell teaches us, if we refuse to obey, that the Highest God, and the Higher Powers command contrary things.

All our Prerogative Divines have run in this constant Stream, and therefore Dr. Hicks might very well tell us,

That the Government consists in the Imperial, as well as the Political Laws: and that

Whatsoever the Imperial Laws of any Government require of its Subjects, if it be not contrary to Gods Laws, they are bound to perform it.

The

Dr. Manwaring, one of his Majesties Chaplains in Ordinary p. 19.

Christian Loyalty, p. 302. Jovian, p. 252. St. Aug. cont. Faust. l. 22 c. 75.

Christian Loyalty, p. 303. Hier. in Pythag. p. 13.

Dr. Featly's League illegal, p. 17.

Dr. Gells Remains. 2 Vol. 6. l. 146.

Jovian, p. 105, 206.

*Usher, ut
sup. p. 64.*

*Ex quibus
& aliis*

pluribus,

*qua brevitatis causa dimittuntur, clare patet, quod potestas & Auctoritas imperialis est
in mediâ a solo Deo. Lud. .mp. apol. in Append ad Hen. Robdorsensis Annal. a M.
Frebero edit.*

The Reason is, because, as *Lewis of Baviere* sheweth largely in one of his Rescripts out of the Canon-Law it self; *The Imperial Power and Authority is immediately from God alone.*

*Dr. Man-
wayring,
ut supra,
p. 17.*

Which doubtless made *Dr. Manwayring* in his aforesaid Sermon to conclude, That *all the Significations of a Royal Pleasure, are, and ought to be, to all Loyal Subjects, in the nature and force of a Command.*

Thus we see, that tho' the Judges are bound to a strict Observance of the *Political Laws* themselves, yet it is clear otherwise in the case of the King, who is **Lord of the Laws**, and may determine a little, where he seeth cause according to an *Arbitrary Right*, that is, his Sovereign Pleasure; which (where the Answerer's Doctrine of Non-resistance is received) is *setting aside* the Law, but for the World it must not be called *Dispensing*: I hope the Answerer does not so dispence the Gospel, whoever he be.

Ans. p. 19.

As for the Quotation from *Arch-Bishop Laud*, the Great Martyr, tho' he says expressly, *That the Supream Magistrate may dispence quoad hic & nunc,* and must not the King be Judge in this Case? yet the Answerer will not have this Dispensation to be an Absolute and *Unlimited Dispensation*, nor to reach the *Plenitude of the Dispensing Power*. Nor do I find the Author offering any where to shew it is, nor how far *this Power*

ibid.

of Dispensing may extend: He, no doubt, thought it sufficient, from the Authority of this Reverend Prelate, to prove, that the King had *such a Prerogative in him as to dispence with Penal Laws in particular Cases, and upon particular necessary Reasons*: And certainly this is acknowledged plain enough by our *Famous Arch-Bishop. Laud*, whose Judgment (says the Answerer) would weigh more with me, than some other Men's Reasons. This

ibid.

does mean, (or it must have no application) the Judge's Reasons; and then here is a manifest preference of a *Churchman's Judgment in a point of Law about the King's Prerogative to those Reason,*

p. 2.

Reasons upon which that Opinion of Law was grounded : Tho in the beginning of his Answer he does so wrangle at the Author for putting any stress upon the Judgment of Churchmen in *ibid.* matters of Law, — seeing no Man's Opinion is of any value, but in such things wherein he is skilled ; and a Churchman does not signify One, who is skilled in Law, but in Divinity.

But he wishes the Author had concealed the Judgment of this *id. p. 10.* Great Arch-Bishop ; and why that ? is he offended because he has told him the Truth ? no, but for another Reason or two which may be guessed at without conjuring ; but then he says, his Comfort is, He was but a Divine, and therefore his Judgment not Authentick in such matters any farther than the Author has made it so, by appealing to it. What a piteous come off is here ? why then, if it must be so, let it be so.

Having done with this Arch-Prelate, the Answerer proceeds to make long Notes (from pag. 10, to 20.) upon the Quotation from Arch-Bishop Usher, who wrote an Excellent Book concerning the Power communicated by God to the Prince, &c. cites what Bishop Sanderson says in the Preface to it, and tells us, that Arch-Bishop Usher only considered what Rights belong to the Sovereign Power, where ever it is, by the consent of *id. p. 13.* Scriptures, Fathers, Councils, and Heathen-Writers, who followed the Light and Conduct of Natural Reason ; and that the Kings of England are Sovereign Princes, and therefore have all the Rights of Sovereignty belonging to their Crowns ; but he intended not to meddle with the particular Laws and Constitutions of these Kingdoms. *p. 12.* Now what does all this result to ? is it to shew, that by the Consent of Scriptures, Fathers, Councils, and Heathen-Writers, the Kings of England have all the Rights of Sovereignty vested in them, but (here comes in the kick of the Foot that flings all down again) they are cramped in the exercise of this their Sovereignty, by the particular Laws and Constitutions of the Kingdom ? This would be most egregiously to play fast and loose with one's Prince, which I can never think he designed to do by that most admirable Treatise, it being a piece of Knavery infinitely below the virtue and dignity of that Eminent Primate : This would be indeed to form *sine Romanick* Idea's of Sovereign Power that must not be put in pra-

P 14. *life; it would be to set the particular Laws of a Countrey above Gods Law, which signifies the unwritten Law of Nature, or the written Word, and which all Christians are bound primarily to obey. It would suppose them to be neither conformable to Scriptures, Fathers, Councils, nor natural Reason, and is a very wise Defence of those Laws, for which the Drum-Ecclesiastick is now beating up. I should think this to be but a wretched Compliment to a Christian Prince, to tell him, that by the consent of Scriptures, Fathers, Councils, and Heathen-Writers he would be as supreme, absolute, and unlimited in his Sovereignty, as the Great Turk, or the Mogul, if it were not for the mischief of his own Laws, which restrain him in the Exercise of that Sovereign Power.*

P 12. *Well, but says this Answerer, the Arch-Bishop does not meddle with the particular Laws and Constitutions of these Kingdoms. No? But whatever he has asserted to be the just right and power of Princes, he has ascribed to our Kings, or I cannot understand to what end it served, seeing it was written by the Reverend and Learned Author, at the special Command of our late Gracious Sovereign (of Bliss'd Memory) King Charles I. about the time when those unhappy Distempers did first begin to appear openly in our Land, as Bishop Sanderson informs us, and (as he tells us further) as the main design of the whole Work is that which is contained in the latter part thereof, concerning the Duty of Subjects: That all the Kings Liege-People might know they were in their Conscience (both by the Law of God and their own Native Condition) bound to hold close to their Allegiance and Obedience to the Kings most Excellent Majesty, so He saw it most agreeable to the Laws of good Method, that he should first establish the Prince's Power upon the right Bottom, and thence demonstratively infer and enforce the Subjects Duty as a necessary Consequence thereof; like a wise Master-builder, laying the Ground-work sure, that the Structure might rise the firmer. For upon the Right stating of these two Questions concerning the Power of Sovereign Princes, what it is, and whence it is? dependeth the true decision of all such Emergent Differences and Controversies as may arise at any time between Princes and their Subjects, and consequently the safety and security of both; and consequently to those, the peace and happiness of all Kingdoms, States, and Common-wealths.* By

Bishop
Sanderson
in Pref.
Sect. 1.

3d. ed. 2

By what hath been said, the Reader will easily perceive, that this Treatise was designed to be of that nature, as should carry weight and evidence with it for the settling of mens Judgments and Consciences aright, and that their affections should not be sowed towards their Governours; and it is a matter of very great and universal concernment (for both Prince and People, that is, all Mankind, are concerned in it) that the two Points insisted upon in that Treatise should be well known and rightly understood.

Power of
the Prince
in Pref.
Sect. 9.

Now the Arch-Bishop has, upon a full Search into the Ground of Sovereignty, deduced the Original thereof from no lower an head than Heaven it self, and has told us, that our Government is a Free Monarchy, and that the Supream Authority resteth solely in the Person of the King; and that the High Court of Parliament by a Special Act has declared, that the Kings Highness must be acknowledged to be the ONLY SUPREME GOVERNOUR of his Dominions in all Causes whatsoever: He having, I say, acquainted us with all this, I cannot sufficiently wonder at the Inconsiderateness, or Perverseness rather of this Answerer, that so boldly tells us, *The Arch-Bishop does not meddle with the particular Laws of these Kingdoms*: For what can be a more direct and particular Contradiction of himself, than this Instance I have here advanced?

Id in Lib.
p. 6.
Id p. 35,
36.
Stat. Angl.
An. Eliz.
(& Hibern.
An. 2. ejus-
dem. c. 1.

And now I will leave the Intelligent Reader to Judge, whether what the Author has alledged to prove from the Arch-Bishop, does not determine this Point of the Dispensing Power to be in the King. The Words of his Quotation follow.

Ans. p. 13.

Positive Laws being (as other Works of Men are) imperfect, and not free from many Discommodities, if the strict observation thereof should be pursued in every particular; it is fit the SUPREME GOVERNOUR should not himself only be exempted from subjection thereunto, but also be so far LORD OVER THEM, that where he seeth cause, he may abate, or totally remit the Penalty incurred by the Breach of them, DISPENCE WITH others for the not observing of them at all, yea, and generally suspend the Execution of them, when by experience he shall find the Inconveniencies to be greater than the Profit that was expected should redound thereby unto the Common-wealth.

Power of
the Prince,
p 76, 77.

Anf. p. 18. I think scarce any thing can be said more express in point than this; and as it happens the Answerer has here the Ingenuity to confess, that *he doth not see one word in this, but what is the Undoubted Right of the Supreme Executive Power, which in England All men agree to be the King: Why then, if the Executive Power (i. e. the King) can dispence with Laws, which is his own Concession; has he not here too granted the Point he labours to oppose? What then is all the rest of his Book, but truly labour in vain?*

P. 5. But the Answerer will not suffer this to be true any longer, tho' himself, as well as the Arch-Bishop, has plainly said it: but here (as upon all the other Quotations of the Author) he must be putting his own new-fangled Interpretations upon it, and every body must take it that way, unless they have a mind to fall under his *just Indignation*; He is angry with the Author for quoting such patt Words, and perhaps the chiefest reason of it is, because all men cannot understand them in the Answerer's sence, and by no means would he give them the *free Exercise* of their own in this matter. Indeed he does own there is a Dispensing Power, when Laws, that were intended for the Publick Good, become otherwise, and in this *I am perfectly of his mind, and so, I believe, is every man that considers any thing*; and that for this Reason, because there are some particular Cases that are not, nor can be, considered in the making of Laws; but he will needs set up to be Judge himself what are good and bad; whereas others think, and all *Loyal Men* are sure, that it rather belongs to the *Supreme Executive Power* to be Judge, because it is plain, that where this Power may dispence with One, he may with more, when he sees them not conducing to the Weal of his People; and thereby many men may find refuge and sanctuary in the Clemency and Sovereign Power of the Prince, which otherwise they could not expect from the Severities of the Law, whenever it should be thought good by bulie Men of Authority to put them in Execution.

P. 14. Well, but *has not the Prince bound himself by Oath to God and his Countrey, that he will observe the Laws?* I would gladly ask this Answerer, whether the *Prerogative, or Imperial Laws*, be not

not a Part, and as *Principal a Part* of the Laws of the Kingdom, as any other? If so, then not to exercise that Part of his Power, which God and Nature have given him, (and which no Inferiour Power of Man can limit, nor make any Law of Prescription against) "and to whom (saith *Bracton*) belongs the Interpretation of all Laws, when made, (not in plain cases, but in *new Questions*, and emergent Doubts :) of which the King was the *First*, and must be the last Judge too. I say, it would be more a Breach of this Oath, for the Prince not to exercise this part of his Power when he shall judge it necessary for the publick Good and Safety, than for him, in no case whatever, not to alter the Ordinary Methods of his Government. Bishop *Sanderson* therefore holds only that *Princes have been limited and bounded in the ordinary Exercise of their Sovereignty by such Laws and Customs as they themselves have consented to and allowed.* This is very well explained by the Learned Sir *Robert Filmer* Baronet, in his excellent Discourse called *Patriarcha*, One of the most learned and loyal Gentlemen of the last Age, who, as the Author of the Epistle Dedicatory to his Grace the present Duke of *Beaufort*, says of him, *dared to be true to the Crown, when his Fidelity could entitle him to Nothing, but the Glory of living and dying a Good Subject, with the hazard of his Life and Fortunes: General Laws, says He, made in Parliament may upon known respects to the King by his Authority, be mitigated or suspended, upon Causes only known to him. And although a King do frame all his Actions to be according to the Laws, yet he is not bound thereto, but at his Good Will, and for good Example: or so far forth as the general Law of the Safety of the Common-Wealth doth Naturally bind him.*

Co. ii.

344. a.

Bishop

Chester's

Sermon in

the Col-

leg. Chur.

at Rippon,

6. Feb.

1685, 86.

p. 24, 25.

Pref. to the

Power of the

Prince

Sect 12.

Ans. p. 11.

Patriarcha

in Ep. De-

dic. to H.

Duke of

Beaufort

by Edm.

Bobun Esq;

2. Edit. pr.

1685.

Patriarcha

p. 94.

vid. Power

of the

Prince,

p. 39.

And indeed it would be Nonsense to suppose the Power, whereby a Nation is governed, to be tied up from doing what shall be judged needful for the Preservation of the Nation; and all Oaths to the contrary would be void in themselves, for the Power is no further bound by them, than according to Equity and Justice.

It is the Privilege of a King, says the same Baronet, to be
 ABOVE ALL LAWS, for the Good only of them that are under
 the

Patriarcha

p. 11.

Sect. viii.

Flowd. the Laws ; and therefore it is, as the Learned Commentator ingeniously observes, that *the King is to be favoured in the Exposition of any Act, because it is not an Act without the Kings Assent, and who will imagine that when the King gives his Royal Assent, he thereby means to prejudice himself, and to restrain his Liberty ; but he assents it shall be a Law among his Subjects.*

Power of the Prince
P. 27. Agreeably hereunto says Arch-Bishop Usher in his Power of the Prince, *The Prince makes the Laws, not to himself, but to his Subjects, to whom he standeth no ways accountable for his own not observing any of them.*

Ans. p. 18. Bp. Chester's Serm. unsup. p. 10. Ans. p. 9. Sr. Robert Filmer's Power of King; printed 1683. P. 2. Ans. p. 19. Freeholders Grand Enquest, P. 4. Ans. p. 18. See 22p. 212. or 213. 214. or 215. 216. or 217. Rem. 13. 4. & 6. Ans. p. 19. + Skeringham's Supremacy asserted, p. 47. If the King should bind himself by a Law, it is always to be understood and supposed, that he does not, nor cannot bind himself against the publick Good, for which He gave his Assent to make that a Law ; for that would be to derogate from the Prerogative of Sovereignty, and the Imperial Crown can be divested of no part of Sovereign Power, as the Answerer himself says ; nay, as the present Bishop of Chester truly tells us, *The King himself cannot divest himself of his Supremacy.* Therefore in those things that are mutable, and varying (of which the Prince only must be Judge) He is to vary ; for notwithstanding all Oaths, says the aforementioned Baronet, *the Prince may derogate from the Laws, or frustrate, or disannul the same, the Reason and Equity of them ceasing ; and there the Dispensation with the Letter of the Law is to be admitted.*

In this Sence, no doubt, it is meant by Sir Robert Filmer, 8 H. 4. *Potestas Principis non est inclusa Legibus,* the Power of the Prince is not included in the Laws.

Besides, the Answerer confesses, That *because humane Laws are imperfect, therefore there must be a living Authority to supply their Defects, and to temper their Severities, and to pity and relieve Subjects, when the Case is truly pityable :* And who, I pray, ought to be Judge of that, but the King, who is Gods Minister to us for Good, even Gods Minister attending continually upon this very thing ? Now none will deny, but this Living Authority, which interprets Laws, corrects their Faults, supplies their Defects, and tempers them to particular Emergencies, and Cases, must be † a Power always existent, to act as new Occasions shall arise, which requires the Exercise of that Power, or the Interpretation

tion of that Law would be retarded, and the Subject would be so far from receiving benefit by the Law, for want of such Interpretation, as that it would turn to his extraordinary Damage and prejudice.

This Power must necessarily then be lodged in the King, because he is always existent.

And Statutes are but Declarations of the Royal Power; the Power it self with the several modifications and qualifications of it, is more Antient than any Statute, and cannot be limited or restrained by an Act in any thing that tends to the derogation or diminution of Majesty. Id. p. 32.

The Learned and ingenious Edward Chamberlain, Doctor of Laws, in his Present State of England, tells us, Some Prerogatives are so Essential to Royalty, that they are for ever inherent in the Crown, and make the Crown; they are like the Sun-beams in the Sun, and as inseparable from it; and therefore it is held by great Lawyers, that a Prerogative in Point of Government cannot be restrained or bound by Act of Parliament, but it is as unalterable as the Laws of the Medes and Persians. Present State of England; 16 Edit. p. 86, 87.

The Learned Doctor John Cowell, sometime the King's Majesties Professor of the Civil Law in the University of Cambridge, and † as Great a Man as Sir Edward Coke, affirms, That the King is ABOVE THE LAW by his Absolute Power, And he quotes Bract. lib. 1. c. 8. Kitch. fol. 1. and says, Though for the better and equal course in making Laws, he do admit the Three Estates, that is, the Lords Spiritual, Lords Temporal, and the Commons unto Council, yet this, in divers Learned men's Opinions, is not of constraint, but of his own benignity, or by reason of his Promise made upon Oath at the time of his Coronation. For otherwise were he a Subject after a sort, and subordinate, which may not be thought without Breach of Duty and Loyalty. For then must we deny him to be ABOVE THE LAW, and to have no power of Dispensing with any Positive Law, or of granting especial Privileges and Charters unto Any, which is his only and clear Right, as Sir Thomas Smith well expresseth, lib. 1. c. 3. de Repub. Anglica; and Bracton lib. 2. c. 16. num. 3. and Briten ca. 39. And a little lower the Interpreter tells us, That though at his Coronation the King takes an Oath, not to alter the Laws of the Land, yet his Oath notwithstanding, he may alter or suspend any † Harmony of Divinity and Law, in Pref. Dr. Cowell's Interpreter, tit. King. vid. Blackwood in Apologia Regum, cap. 11.

any particular Law that seemeth hurtful to the Publick State.

§ E.4. This certainly made Tlingworth, Chief Baron of the Exchequer long before to declare, That the King is left to his Election either to use the Law of his Prerogative, or to use the Law of the special Law of an Act of Parliament.

P.14. But though by making a Law, as the Answerer confesses, he does not immediately oblige himself, yet by his Oath he may.

I will shew You how far this is true in the words of the said Sir Robert Filmer, taken out of his Excellent Discourse called Patriarcha, which (as the Reverend Doctor Peter Heylin says, of his Dear and Honour'd Friend concerning this Book in a Letter written to Sir Edward, Son of that worthy Author,) had he pleased to have suffered, while he was alive, to appear in Publick, it would have given such satisfaction to all our Great Masters in the Schools of Polity, that all other Treatates in that kind had been found unnecessary. He, in answer to those who affirm, That although Laws of themselves do not bind Kings, yet the Oaths of Kings at their Coronation tie them to keep all the Laws of their Kingdoms, says, How far this is true, let us but examine the Oath of the Kings of England at their Coronation; the words whereof are these, "Art thou pleased to cause to be administred in all thy Judgments indifferent and upright Justice, and to use discretion with Mercy, and Verity? Art Thou pleased that our Upright Laws and Customs be observed, and doest thou promise that those shall be protected and maintained by thee? These two are the Articles of the King's Oath, which concern the Laity, or Subjects in general; to which the King answers affirmatively. Being first demanded by the Arch-Bishop of Canterbury, "Pleaseth it You to confirm and observe the Laws and Customs of Ancient times, granted from God, by Just and Devout Kings unto the English Nation, by Oath unto the same People? Especially the Laws, Liberties, and Customs granted unto the Clergy and Laity by the Famous King Edward? ———

Certamen
Epistolæ
3d. Parr.
p. 10 .

Patriarcha
2 Edit. c. 3.
Sect. 7.

Mills of
Nobility.

We may observe in these words of the Articles of the Oath, That the King is required to observe not All the Laws, but only the Upright, and That with Discretion and Mercy. The word Upright cannot mean all Laws, because in the Oath of Richard the Second,

I find evil and unjust Laws mentioned, which the King swears to abolish; and in the old Abridgment of Statutes; set forth in Henry the Eighth's Days, the King is to swear wholly to put out evil Laws; which he cannot do, if he be bound to all Laws. Now what Laws are upright and what evil, who shall judge but the King? since he swears to administer upright Justice with Discretion and Mercy, (or as Bracton hath it) æquitatem præcipiat, & misericordiam. So that in effect; the King doth swear to keep no Laws, but such as in his Judgment are upright, and those not literally always, but according to the Equity of his Conscience, joyned with Mercy, which is properly the Office of a Chancellor rather than of a Judge; and if a King did strictly swear to observe all the Laws, he could not without Perjury give his consent to the repealing or abrogating of any Statute by Act of Parliament, which would be very mischievous to the State.

The K. in his Coronat Oath promises nothing to the People, but what in Justice and Equity he is bound to perform unsworn. *For p. 244.*

And likewise saith the same learned Baronet, in his Treatise called, the Power of Kings, the Laws, Ordinances, Letters Patents, Priviledges, and Grants of Princes, have no force but during their Life; if they be not ratified by the express consent, or at least by sufferance of the Prince following, who had knowledge thereof.

Power of Kings, fol. 1.

If the Sovereign Prince be exempted from the Laws of his Predecessors, much less shall he be bound unto the Laws he maketh himself; for a Man may well receive a Law from another Man, but impossible it is in Nature for to give a Law unto himself, no more than it is to command a Man's self in a Matter depending of his own Will: There can be no Obligation which taketh State from the meer Will of Him that promiseth the same; which is a necessary Reason to prove evidently that a King cannot bind his own Hands, albeit that he would. Hitherto the Baronet, which, I think, without any farther Enlargement, may be a sufficient Reply to the Answerer's super-inducted Obligation of a Prince by sacred and solemn Oaths. *Ans. p. 14.*

But yet I confess myself not a little surprized at what the Answerer says immediately after this, That he wonders the Author should have no more Regard to the sacred Majesty of Princes, in asserting (and that too from the very Words of the Archbishop himself) That in regard of themselves Kings are said to

Itid.

ibid.

be exempted from Subjection to the Laws, for he will have it, That this founds their Rights upon such a Power, as the wisest and best Princes have not thought fit to use. What if they have not? Does their non-using argue a non-Right in them of such a Power, that they may never, upon any Emergency of State whatsoever, make use of it?

Non & Olim sic erat.

Ans. p. 5. But, if Any, who is rather to be blamed for having no more Regard to sacred Majesty, the Author, or the Arch Bishop? I think the Answerer is most of all, for so unskillfully scribbling in vindication of the Men, and of their Doctrines: and for the very good piece of Service he fancies he has done to the Crown by it, I wish him with all my Heart the Honour and Reward he deserves.

Id. p. 17. But does not He himself quote that Passage of Alexander Severus, which says, That the Law of the Empire hath freed the Emperor from the Solemnities of the Law? And does not he thereby own, That it was such Exemption that made the Emperor an Imperial Prince? What then does this Exemption signify, but a not being bound to keep the Laws? That is, having a Liberty to break them, or to act contrary to them: But this, the Answerer says, is not dispensing; but I think it is somewhat more; so that he has only plunged the Arch-Bishop in deeper, by striving to get him out. He owns Sovereign Power must have such Exemptions, but yet he would not have a Christian Prince to found any part of his Imperial Power thereupon. For he thinks it *Inglorious* for a Christian Prince to use this Exemption which is constituent of an Imperial Sovereign, which is more than he hath said of the Dispensing Power: And therefore for the Credit of the Arch-Bishop he might have pleased to take him in the Authors Sense, and not have made it worse by his supposing that the Arch-Bishop asserted such an *Inglorious* Constituent of Imperial Power.

Well, in the Twentieth Page (tho' it is flagging a little) the Answerer does say, That if any thing happens after the making

making of a Law, which renders the Execution of that Law manifestly and notoriously Oppressive to the Publick, (and of this must not the King be always the Judge) the Prince may certainly suspend the Execution of such Laws ; and this Suspension, he says, should be, till they be altered or repealed by the Power which made them, (which Power, as to the time of its assembling, is solely at the Will of the Prince ;) and so, by his own shewing, the Suspension in the Consequence wants but very little of Dispensation ; and yet, says he, this Dispensing, and Pardoning, Suspending Power is so necessary to the publick *lib.* Good, that for my part I would not willingly live under any Government, which wanted the exercise of this Power. — For in this way, the Prime and Original Intention of the Law is always secure : I am afraid this is talking as much like a Divine, as any of those learned Authors, who he insinuates (I doubt for what end) have meddled with a Matter, that is not within the Compass of their Sphere. And this, I think, is enough to refute the Answerer's long-winded Harangue upon this Arch-Bishop. *Id. p. 111.*

We come next to consider how he labours to bring off Doctor Robert Sanderson, late Lord Bishop of Lincoln ; with what a fanciful Success to himself, and a terrible Blow upon the Author for quoting him to prove the Power of Dispensing to be in the King.

Dr. Sanderson's Words are, That in times of apparent Danger — It is lawful for the Prince, in the Preservation of his own and his Subjects Safety, to lay aside for a while all strict Observance of the Laws, and to make use a little of an arbitrary Right, lest by too unseasonable and superstitious Reverence of the Laws, he may suffer both his own Person, and his People that are subject to him, and even the Laws themselves, to fall into the Power of his Enemies. *Id. p. 11.*

Now because the Answerer would infer, that the Author does call this a Right, from the Doctor's saying it is lawful, &c. therefore he must needs pass with him in great admiration (or derision as he intends it) for an Excellent Logician ! to make an accidental Case the Measure and Standard of a constant and unalterable Right, &c.

If the Answerer had been a Lawyer, he would have known (what at least in this Scribble he pretends Ignorance in) that there is such a thing as is called a *Dormant Right*, which tho' it be always continuing in Him that hath it, yet is claimed and exercized merely upon accidental Cases, which it would be here a digression to explain, and therefore I shall forbear, it being well enough understood by the Learned of that Gown. Neither does the Author infer any thing more from the Words than what they include according to the Answerer's own acknowledgment, viz. That the Doctor did assert it to be *lawful*, &c. without saying at what times, or upon what occasions, or offering to explain another man's meaning; as it is the Business of the Answerer to do with more than ordinary Assurance, as if he had been in the Bellies of them all: only he thinks fit not to be so bold with a Living Author, as he has been with the Dead.

far the end
of his 9th
Lecture
concern-
ing the fi-
na. cause
of human
Laws
Sect. 18.
* Sanders's
10th Lect.
The Safety
of the Peo-
ple's th
Supreme
Law.
Sect. 1.
† Ca. of the
Sib. p. 112.
* Sanders,
p. 150.
† When he
wrote his
Treatise he
was 1 p. of
Perry, but
after wards
was made
Ar. Bp. of
Armagh.
p. 150.

But to return to our Bishop; does not He own the Dis-
pensing Power, when he says, † *A King that gives Laws and Statutes to his People, will not (or, as the Answerer's Paraphrase truly is, did not intend to) be so bound up by the Laws, that it shall not be lawful to him, when he judges it necessary for the safety of the Common-wealth, to provide for the safety of the Kingdom and People committed to him by God, even against the words of the Law?* and when he says, * *That in Every Common-wealth there ought necessarily to be somewhere a Sovereign Power, (and that in a Monarchy must be the King, in Ours at least, for Doctor Sherlock satisfies us, That † the Supreme Power of these Realms is lodged in the Prince) * which is above all Humane Laws positive, to which he ought to look, and by his Authority to take care, that neither by the defect of Laws, or the too SUPERSTITIOUS observance of them, the Common-wealth may receive any Damage?*

I am sure Bishop † Bramhall in his *Schism guarded*, in defence of the Reformation, lays this down for a general Rule, *That He that hath Power to make Laws, hath power to dispence with his own Laws; Laws, saith he, are made of Common Events, those benign Circumstances, which happen rarely, are left to the dispensative Grace of the Prince.*

Now

Now the Power to make Laws is acknowledged by almost All our Dignified Clergy to be a Right inherent in the King, (and the Rights of Sovereign Majesty ought to be most Sacred and Holy:) Arch-Bishop Usher informs us, that "The making of Laws, whereof the force and penalty doth generally reach unto the whole Kingdom, must be an Act of the Prince: and therefore where it is said, Psal. 60. 7. *Judah is my Lawgiver*, the Greek and vulgar *Latine* translate it, *Judah is my King*. And a little lower he quotes that passage of *Alexius Comnenus*, the Power of making the Laws is committed to the King; and that of *Plutarch* long before him, *Justice is the End of the Law, the Law a Work of the Prince*, and the Prince the Image of God.

Filmer's Power of Kings fo. 6.

Power of the Prince, p. 25.

p. 2.

p. 27.

Potestas Regia Potissima Prærogativa, Jure Legislativo. p. 365. et alibi.

Bishop Sanderfon in his 7th. Lecture concerning the Efficient Cause of Humane Laws, Sect. 9. affirms, that the Legislative Power is the Chiefest Prerogative of the Kingly Authority.

Dr. Morley, Bishop of Winchester, in his Vindication of himself against Mr. Baxter, says, *It is the Le-Roy le veut, that makes the Law*.

The present Bishop of Chester in his abovementioned Sermon, tells us, that the sole Legislative Power is lodged in the King.

Serm. 21 Rippon, p. 24.

Dr. Barrow says, *The Legislative Power wholly belongs to the Imperial Authority,—and the Power of Enacting Laws is an Incommunicable Branch of Sovereign Majesty*.

Popes Supremacy, p. 30.

And Doctor Hicks, the Dean of Worcester, owns that it is one Essential Right of Sovereignty, to have the Legislative Power.

Jovian, c. 10. p. 201, 202.

And the Anonymous Author of the Harmony of Divinity and Law publishes it, *That the King alone is our Legislator;—And the Legislative Power, or Power which makes Bills and Petitions Laws, is solely, and formally in the King*.

p. 48. ibid.

Now if this be a Right of Inheritance in the Prince, what is the Dispensing Power, but a natural Inference from it, when he shall judge it necessary to awaken and exert this Right that is dormant in him? Then may He lay aside for a while all strict observance of the Laws, and make use of his Arbitrary Right, or the Imperial Laws, to govern by, which none ought to oppose or withstand: For, as Doctor Sherlock rightly observes,

Who-

Ca. of Re-
p. 110.

Power of
Kings, p. 2.
† rot. Or-
din. Hol-
land, Pic-
tas. fo. 102.
* Dr. Scotts
Serm. 16.
Dec. 1683.
p. 24.

There is
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Powers,
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inconfi-
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the prosper-
ity of the
Civil

State, Dr.
William
Cave's Ser-
mon before
the Lord
Mayor &c.
5. Novem.
1680. p. 4.
Dr. Sherl-
Plot Serm.
p. 1.
an. p. 14.

Whoever has the Power of Government, must not be contradicted or resisted, for then he cannot govern; for a Power to govern men only when, and in what cases they please to be governed, is no Power. Upon this Consideration therefore does the Learned Sir Robert Filmer conclude, that There is not any Bond for the Sovereign Prince to keep the Laws, more than so far as Right and Justice requireth, and surely in this Case the King must be left to be the Sole Judge, and not the peevish and querulous Answerer.

But as the Learned Grotius excellently observes, *Ita solent Illi homines Jus & Auctoritatem Regum liberaliter predicare, quamdiu ea statuant qua ipsi videntur, si quid inde discesserunt, actum est de Regio Jure.* There are some Men that * will cry up the Prerogatives of the Crown (none more) while it indulges them, and then cry them down again (none fiercer,) as soon as it restrains them.

I must confess I cannot but wonder upon what Principles such men act, who are so zealous one Fit for the Interest and Service of their Royal Master, and think they can never speak enough of his Power, provided their Prince is so Gracious as to be guided and influenced by their Counsels; and yet, if at any time he judges them pernicious and destructive to the Peace and quiet of his Government, and is resolved to conduct himself by other Persons, whom he knows to be more disinterested, and who, he is sure, are at least as perfectly sincere; how strangely are they turned! and become as discontented and uneasie, as jealous of their Prince, and of his Actions, as any whom in the height of their Power and Greatness they have condemned for being † disturbers of publick Government, and underminers of the Thrones of Princes; these are men of ambitious, clamorous, and Factitious Spirits, and says Doctor Sherlock very ingeniously, *Men of Turbulent and Restless Spirits will be sure to find or make some pretences or occasions of quarrel under the most just and equal Government.* And therefore it can be no wonder, if the best of Princes be not a little disturbed at such men, and do keep a watchful Eye over them; For to curb, restrain, and quell all pretences, that shew no more regard to the Sacred Majesty of Princes, is certainly his Duty, to secure the Publick Peace, no less than as he values his own Life and Crown. But

But though, it seems, the Clergy are not willing to allow this Power of Dispensing to be in the King, now he is not of their Religion; Yet several of them have boldly asserted a Doctrine that tends to the undermining the Rights and Authority of Princes, *viz.* a Power of making Ecclesiastical Laws to be in themselves, (and those that *make Laws have Power to dispence with their Own Laws*, as we have before observed from Bishop *Bramhal*) For I have observed in the Course of my Reading the Writings of the Clergy, that whenever they come to take notice of the Canons, &c. they always call them the Canons and Constitutions of the Church, and that such a Canon or Ecclesiastical Law was made by the Church, never mentioning that such Canons had first of all the Sanction of the Civil Magistrate: For the Clergy in Convocation called and assembled by the Kings Writ, can only propound and prepare the Projects of such and such Canons; 'tis the Sovereign Authority, who gives Life, and Soul to the dead Letter of them. But they would have the unwary Readers believe, that by calling them the Canons of the Church, they were made by the Sole Power and Authority of the Clergy. Thus they Entitle their Book of Canons, *A Collection of Articles, Injunctions, Canons, Orders, Ordinances, and Constitutions Ecclesiastical, with other publick Records of the Church of England*; whereas it would be much more decent if they superscribed them, The Spiritual Laws of the Crown, ratified, confirmed, and established by Vertue of His Majesties Prerogative Royal, and Supream Authority in Causes Ecclesiastical; for They indeed are but Petitioners, 'tis the Royal Pleasure that makes them binding Laws; but by this their Artifice they have excluded the Legislative Power of the Prince, and conferred it on themselves. Pursuantly says Dr. *Anthony Sparrow*, the late Right Reverend Bishop of *Exeter*, and after of *Norwich*, "It may be made appear, that our Lord and Master Christ hath *de facto* given a Legislative Power to the Church to make Canons and Constitutions upon emergent Occasions: For the Legislative of making Laws and Constitutions for regulating Manners, and determining Doubts and Controversies, cannot with reason be denied to

" be

Bp. Sparrow's Book of Canons, &c. in pref. to the Reader

"be granted in that large Commission, St. *Joh. 20. As my Father sent me, so send I you.* For here committing the Government of the Church to his Apostles, Our Lord commissions them with the same Power that was committed to him for that purpose when he was on Earth, with the same necessary standing Power that he had and exercised as Man, for the good of the Church. Less cannot in reason be thought to be here granted, than all Power necessary for the well and peaceable Government of the Church; and such a Power is this of *making Laws*; this is a Commission in general for *making Laws*.

The Bps.
Words are
these that
follow, *ju*
condendi
Leges Eccle-
siasticas
esse penes
Episcopos,
Presbyte-
ros alias-
que Perso-
nas a toti-
us Regni
Clericis
electas.
Schism
guarded.
P. 150.
Willet's
Synopsis
Papismi.
7th. gene-
ral Con-
troverſie
concern-
ing the ci-
vil Magi-
ſtrate
queſt. 1.
fol. 379.

Thus You ſee They acknowledge that the Sovereignty in Eccleſiaſtical Matters is as much in the Clergy, as in the King in Secular; for as where the Sovereignty is, the Power of making Laws is inſeparable, and is expreſly owned ſo by the Clergy: This we learn from Biſhop *Sanderſon* himſelf likewiſe, at the end of his 7th. Lect. Sect. 30. p. 209. who ſays, *That the Right of making Eccleſiaſtical Laws, is in the Power of Biſhops, Presbyters, and other Perſons duly elected by the Clergy of the whole Kingdom.* The plain Engliſh of which amounts to this, that if the Prince will not give his Conſent to ſuch Eccleſiaſtical Laws as the Clergy would have, they have then a latent Sovereign Power in themſelves of Legislation in Eccleſiaſtical Matters, when they ſhall think fit to exert it. And in maintenance of this Opinion I ſuppoſe it was, that Biſhop *Bramhall* in the forecited Book has affirmed, *that for 1100 Years our Kings and Biſhops enjoyed the ſole diſpenſative Power with all Engliſh Laws Civil and Eccleſiaſtical.* This Notion of the *Ju condendi Leges Eccleſiaſticas*, ſeems to me to be fetched from Doctor *Willet's Synopsis Papismi*, where he ſays, *That we* (meaning the Church of England) *do not give unto the Prince Abſolute Power to make Eccleſiaſtical Laws; for the Prince is not to preſcribe what Laws he liſteth to the Church, but ſuch as only require the true Worſhip of God, (and here he means that They muſt be Judges, and not the King;) and again he ſays, We do make Exception of all ſuch Eccleſiaſtical Canons and Ordinances, the making whereof doth properly belong to the Office of Biſhops, and Governours of the Church; for our meaning is, not,*
that

that 'tis not lawful for Ecclesiastical Ministers to make Ecclesiastical Decrees, which do properly concern their Office, as concerning the Censures of the Church, Excommunication, Suspension, Absolving, Binding, Loosing, and such like; which things are incident to their Pastoral Office.

From hence we may learn what is their avowed Doctrine upon this Chapter, and how apt (as the Reverend Dr. Scot does truly observe) is *humoured Pride* to be blown up into Insolence: I would heartily beg their Pardon for returning this upon them, if a Loyal Subject knew how to give a more modest Name to so bold a Pretence as this of *Rivalship with Sovereign Princes*: But to see Clergymen one while (where they find they can make their own Account in it) to exalt the Sovereign Pleasure in Civils above all Laws, and yet when they feel the dispensing Power begin to cramp and pinch them, to deny their Prince his before acknowledged just and necessary Prerogatives, and totally to rob him of his Right of making Ecclesiastical Laws; it shews, that *their Consciences, as they call them, are as tender as their Eyes on one side, and yet as hard as their Foreheads on the other*: And to borrow one more Sentence from the same Author, It would force any honest Man, in despite of all the Candour and Modesty of his Nature, to cry aloud against the fulsome Hypocrisies and Impostures that look through those their most glorious Pretences to Religion and Loyalty. For this bold Usurpation, upon the King's Supremacy in Matters Ecclesiastical, is a direct flying in the Face of an Act of Parliament, to which the Clergy of the Church of England have themselves long before consented; which acknowledges, That the King's Majesty is the only undoubted Supreme Head of the Church of England, and that no Ecclesiastical Persons have any manner of Jurisdiction Ecclesiastical, but by, under, and from the King's Royal Majesty, and in my Opinion they very strangely forget themselves, for by the Corporal Oath which every Archbishop, Bishop, and all and every other Ecclesiastical Person, Officer, and Minister

Dr. Scot's Sermon before the Ld. M^j r, 16 Dec. 1683. p. .

id. p. 29.

id. p. 28.

37

End of the
Oath of Supre-
macy, 1 Eliz.
c. 1.

mister is obliged to take upon the Evangelists, They each in Conclusion do swear, That to their Power they shall assist and defend all Jurisdictions, Priviledges, Prebeminencies, and Authorities, granted or belonging to the King's Highness, his Heirs and Successors, and united and annexed to the imperial Crown of this Realm.

vid. in Pref.

Now I would advise them seriously to consider, as the Anonymous Author of the Harmony of Divinity and Law says, *whether they can absolve their Consciences from the common and legal Sence of this part of the Oath*; for if they cannot, and their Divinity in other points of Doctrine be no better than in these relating to the Law of the Prerogative, I am afraid both the Souls and Bodies of many of their Hearers would be in a very sad and desperate Condition.

1cst. 7. Sect.
23, & 30.

Oxf r. Resens
against the Co-
venant, &c. at
the end of his
Life by Dr.
Watson, p. 196.

But this their Power, agreeably to what the Reverend Dr. Sanderson hath said of the King's Legislation, is no Injury to the kingly Power, because they have never exercized such their legislative Power without the King's Consent: Nay farther, saith He, *it is clear to our Understandings, that we cannot without Disloyalty, and injury to his Majesty, and double Perjury to our selves, take upon us, without his Consent, to make any Alteration in the Ecclesiastical Laws or Government.*

Yet surely it is evident, that they having the legislative Power, or (according to the Doctors more peculiar Phrase) *the right of making ecclesiastical Laws in themselves*, the exercizing of this Power with the King's Consent is no more necessary, than the King's exercizing his with a Parliamentary consent; and this is but an ordinary Method of their Government; wherefore when they see it needful for the good of the Community under them, *it is lawful for these Princes, in the preservation of their own and their Subjects Safety, to lay aside for a while all strict Observance of the Laws, and to make use a little of an arbitrary Right, least by too unseasonable and superstitious Reverence of the Laws, they may suffer both their own Persons and*

and their People that are subject to them, and even the Laws themselves to fall into the Power of their Enemies.

And when the Bishops, Presbyters, and other Persons of the Church of England, duly elected by the Clergy of the whole Kingdom, shall think fit thus to exert their Sovereignty in Ecclesiastical Matters, they are to be looked upon as the Powers which St. Paul takes care of; for, as the learned and judicious Dr. Robert Gell hath told us, "where-
"as the whole Creature of God is bodily and spiritual,
"and Man is the *Compendium*, the Brief and Model of them
"both, consisting of both Body and Spirit; two sorts of
"Governours are needful in respect of both the Magistracy and Ministry; and both are here meant by *Potestates*:
"(i. e.) *Pralatis Spiritualibus, & Principibus terrenis*, saith
"the Gloss, the spiritual and temporal Governours; *Secularibus & Ecclesiasticis*, to St. Anselm. Thus He, Which are the Persons Governing, and not the Law by which they are to Govern. And as before was observed from Dr. Sherlock, *Εξουσια* in the new Testament always signifies the Authority of a Person, not of a Law; and hence it signifies the Person invested with Authority. So likewise the Reverend Dr. Scot understands it, saying that by the Higher Powers, it is evident we are to understand the Persons of Sovereign Princes and Governours, and not the Laws and Constitutions, as some of our Republican Doctors pretend.

It may be some will tell us, That all this may be without placing any Prerogative of great Consequence in our Clergy; being it would be no Man's Duty to obey them actively, but only passively, in not resisting; for Non-resistance is as perfect Submission, saith Dr. Sherlock, as can or ought to be paid to sovereign Princes.

Our Clergymen, I dare say, mean a great deal more than this in relation to their Church-Laws; but if this be all that they intend when they talk highest for the Crown, I am sure they deserve not the highest Applauses for their Loyalty: For the Gentlemen of the other Gown have always maintained, That to resist the Monarch must be

Dr. Robert Gell,
late Rector of
St. Mary Aldermary, 100.
Son, his Remains upon
Rom. 3. 1.
Vol. 1. fol. 141.

Case of Resistance, p. 113.

Serm. upon
Rom. 13. 1.
p. 12.

Case of Resistance, p. 44.

at the Peril of Men's Lives, which (so far, God knows, does Temporal Interest prevail above all other Considerations of any future State) 'tis likely sways more with Mankind in general, than any Theological scare-Crowd dress'd never so rufully.

And now having shewn the Reader what shuffling Tricks the Answerer hath plaid; *in defending the most Reverend and Right Reverend Bishops, and their Writings,* from the Author's Charge upon them, That they have asserted the King's Prerogative in dispensing with Penal Laws; we will proceed to see how he has managed the Reverend Doctors that follow:

The First is, Dr. Heylin, who was Prebend of Westminster, He says, *the King hath Authority by his Prerogative Royal to dispence with the Rigour of the Laws, and sometimes to pass by a Statute with a Non-obstante.*

This is as plain, one would think, as Words can make it; (with Dr. Sherlock's Permission for using his Words) but nothing can be so plain, but that Men who are unwilling to understand it, and who set their Wits on work to avoid the Force and Evidence of it, may be able to find something to say, to deceive themselves, and those who are willing to be deceived: And therefore here the Answerer aims to shew his Parts, and would rather have the World believe Dr. Heylin did not say this; because no Man doubts, he says, but in some Cases the King may dispence with the Rigour of the Laws; but now observe what false Colours he labours to put upon these Words, to elude and baffle the plain Scope and design of the Author in them; he tells us, the Doctor's Meaning was not for the dispensing Power in the modern Latitude of it. Here's a new Discoverer for You! who, though he be uncertain whither ever the Doctor said or wrote any such Words as these, yet he clearly knows his Meaning of them: This is the great Man that would teach us Logick and Reasoning, and how rightfully to understand the Sence of other Men, by following the short Scantling and Measure of his own.

Well!

Ans. p. 22.

Case of Resistance, p. 43
144.

Ans. p. 2

Dr. Sherlock,
ut Sup.

Ans. ut Sup. &
p. 23.

Well! to make short Work with it, as the Answerer says, *Ans. p. 6.*
 what thinks he of this next Passage from the same Dr. out
 of the same Book, viz. his *Stunblick Block of Disobedience and
 Rebellion, &c.* and the next Leaf beyond that from whence the
 other was taken? His Words are these, *if to have MERUM* Chap. 6 Sect. 7.
IMPERIUM, a full absolute Command, and all the JURA P. 253.

*MAJESTATIS which belong to Sovereignty; if to be so Supreme
 as to hold immediately of God, to have all Persons under him,
 none but God above him; if to have all Authority and Ju-
 risdiction to be vested in him, and proceeding from him, and
 the material Sword at his sole Disposal for the Correcting of
 Offenders, and the well ordering of his People; if to have
 whole and entire Power of rendering Justice, and final Deter-
 mination of all Causes to all manner of Subjects, as also
 to interpret and dispence with Laws; and all
 this ratified and confirmed unto him by the solemn Oath of his* *Id. p. 254.*
*Subjects in the Court of Parliament, be enough to make an
 Absolute Monarch: the Kings of England are more
 absolute Monarchs than either of their Neighbours of France
 or Spain.*

Here is an express owning with a Witness, That this
Dispensing Power is one of those Rights which (as Dr.
 Sherlock says) *is essential to the Notion of Sovereign Power,* *Case of Refr.*
 or in the Dean of Worcester's Phrase, *is involved in the* *P. 56.*
formal Conception of Sovereignty, and inseparably annexed to *Frison p. 20.*
*the Sovereign; at least, that it belongs to our Kings of
 England; and surely no Man that hath any degree of
 Wit above the Answerer will dare to hold, That they
 have full and absolute Command, and all the Jura Majesta-
 tis, which belong to Sovereignty, without it.*

The next in order (as He says) is Dr. Isaac Barrow,
 whom the Answerer cannot be content to commend with-
 out bestowing a passionate Aspersions upon the Author,
 and calling him an *Injudicious Writer*: The Reason is, be-
 cause it has put him to the trouble of seeking for three
short Sentences in a Book of 428 pages. *Answer p. 23.*
 It might perhaps
 be somewhat carelessly done, but however it is very well
 that

ibid.

- that they were found at last, least the Answerer should have denyed them to be his. The Words are cited, and acknowledged to be *home to our Author's purpose*, but here, says the Trifler, is the Fault of them, That *they shoot vastly beyond the Marke*; I hope there is no Doubt then but that they shoot as far: Yes, that they do, for in the next page the Answerer brings them back himself to the *Doctor's plain Sense* of his own making: And here, I think, the Answerer has overshot himself too; for first in one Sense of the Doctor's Words, he makes the Dr. to overshoot himself as well as the Author; then he makes a plain sense of the Doctor's Words, which is very unintelligible: For either there is no such thing as an *absolute Sovereignty immediately and immutably constituted by God* (and if so, then he makes the Dr. to say nothing,) or elce it is the supreme Magistrate that hath such an *absolute Sovereignty*, and then the Dr. must mean what the Answerer says he do's not; and this is a greater Hardship put upon Dr. Barrow by the Answerer, than by the Author's quoting him to no purpose in this place, and to as little Purpose as one could wish in the next. He might as well have said, a Man that shoots over the Mark, does not shoot at all. I am sure the Author may alledg this as a Testimony of the Rashness and Weakness of the Writer, for bringing such a pittiful Pretence, as a Supply, for want of that which should be more substantial.
- Ibid. But, says the Answerer, *I find no one asserting, that the Kings of England were such absolute and unlimited Sovereigns by God's immediate and immutable Constitution*. I know not what He finds, but I am very certain, that *not only a Few Bishops and Doctors, but the whole Church of England reaches*, in her Constitutions and Canons Ecclesiastical, (treated upon by the Bishop of London, President of the Convocation for the Province of Canterbury, and the rest of the Bishops and Clergy of the said Province, and agreed upon with the Kings Majesties Licence in their Synod begun at London An. Dom. 1603, and ratified, confirmed,
- 1 Jac. 1.

firmed, and established by Vertue of the Prerogative Royal and Supream Authority in Causes Ecclesiastical)

That the Kings Majesty hath the same Authority in Causes Ecclesiastical, (and to be sure in Temporal) that the Godly Canon 2.

Kings had amongst the Jews, and Christian Emperors of the Primitive Church. Now Dr. Sherlock informs us, That there is nothing more evident, than that God from the very beginning set up a Supream and Sovereign Power in the Jewish Ca. of Revis. 6, & 36.

Nation, and that in Civil or Temporal Matters, as may be seen in 17 Deut. v. 8. This was at first (as he tells us) in the hands of Moses, and after his death secured to the High-Priest, or Judges; and what the Authority of the Chief Id. p. 8.

Priest, or of the Judge when there was one, was in those days, appears from v. 12. "And the Man that will do presumptuously, and will not hearken to the Priest, (that stand- Id. p. 10.

"eth to minister there before the Lord thy God) or unto the Judge, even that Man shall die, and thou shalt put away the Evil from Israel. This, says the Doctor, is

as absolute Authority, as the most Absolute Monarch in the World can challenge. Now the true meaning of Absolute

seems to be, That there is such an Inherent Power in him that is so, as can neither be restrained by Law, Promises,

nor Oaths; for nothing less than the being free from All these renders a Power Absolute; for one can hardly imagine what can go beyond Absolute Power. And I think

it is as plain, says He, that when the Jews would have a King, their Kings were invested with this Supream and Sovereign pag. 11.

(that is Absolute) Authority. For indeed it is not possible, that the publick peace and security of any Nation should be preserved without it. Therefore says that Ingenious Baronet,

whom we have so oft before cited; To Majesty or Sovereignty belongeth an Absolute Power not Subject to any Law.

And if so, let the Answerer not find what he pleases, I am confident I have found one, (viz. Doctor Sherlock) as-

serting, That the Kings of England are absolute and unlimited

Sovereigns, by God's immediate and immutable Constitution; and have as Absolute Authority, as the most Absolute

Monarch

Monarch

Sir Rob. Filmer's Power of Kings, fol.

Monarch in the World can challenge. And this, I think, is a great Strain higher than any thing that the Author has asserted throughout that Book, against which the Answerer says, he hath so just an Indignation.

But because we are as yet in our Animadversions upon Doctor Barrow's Testimony concerning the Dispensing Power, which he acknowledges to be a proper Endowment of Absolute Sovereignty; I must desire my Readers to make my Peace with the Answerer, for setting down the Particular Branches of Sovereignty, which I have taken pains to collect out of that Excellent and Elaborate Treatise.

In taking a particular Consideration of the several Branches of Sovereign Power, we shall find, says He,

1. That it hath Power to convocate its supreme Councils and Judicatories.

2. It inseparably doth belong to Sovereigns in the general Assemblies of their States to preside, and moderate Affairs; proposing what they judge fit to be consulted or debated; stopping what seemeth unfit to be moved; keeping Proceedings within Order and Rule, and steering them to a good Issue; checking Disorders and Irregularities, which the Distemper or Indiscretion of any Persons may create in Deliberations, or Disputes.

3. To the Sovereign of the Church the Legislative Power wholly or in part doth belong: His Approbation would be required to give Life and Validity to their Decrees; at least to have a Negative, so that nothing might pass against his Will: This is a most essential Egrement of Sovereignty.

4. It is indeed a proper Endowment of an absolute Sovereignty, immediately or immutably constituted by God, with no Terms or Rules limiting it, that its Will declared in way of Precept, Proclamations, concerning the Sanction of Laws, the Abrogation of them, the Dispensation with them, should be observed.

The Power of enacting, and dispensing with Ecclesiastical Laws, saith this great Man, touching exterior Discipline, did
of

Ans. p. 5.

Treatise of
the Popes Su-
premacy Pu-
blished to the
Reader,
The Book,
p. 274.

Id. p. 287.

Id. p. 297.

Id. p. 318.

of old belong to the Emperor; and therefore by the aforesaid Canon the same Power is decreed to belong to the Kings of England, and their dispensing with the Penal Statutes is but a generous and charitable exertion of that Right of Ecclesiastical Jurisdiction, which here is acknowledged was in the Christian Emperours of the Primitive Church. This was what the Author designed to prove from this Quotation, and therefore he could not very well have spared it. Ans. p. 24.

But if the Answerer can prove, that the Christian Emperours had their Imperial, or Prerogative Power limited by humane Constitution in the Exercise of it, that is, that the Imperial Prerogative was restrained by Ecclesiastical and Temporal Laws, enacted and ordained by and with the Consent of the Lords Spiritual and Temporal, and Commons assembled in Parliament, then he will say something home to his purpose; but if he cannot, then, according to the abovesaid Canon, decreed (as the Clergy of that Convocation were pleased to call it) in that Sacred Synod, it remains still the Doctrine of the Church of England, that the Kings of England are no more limited in the Exercise of their Imperial Power, than were the Christian Emperors of the Primitive Church: and whosoever says they are, and thereby impeaches any part of the Regal Supremacy, let him, says the Canon, be excommunicated ipso facto, and not restored, but only by the Arch-Bishop, after his Repentance, and publick Revocation of such their wicked Errors. Canon, 139.

But to proceed with Doctor Barrow's further particular Branches of Sovereignty. 2. Canon.

5. Sovereign Power immediately by it self when it pleaseth, doth exercise all parts of Jurisdiction setting it self in the Tribunal; or mediately doth execute it by Others, as its Officers or Commissioners. Pope's Supremacy p. 312.

6. To the Sovereign of any State belongeth the Choice, Constitution, Confirmation, commissioning of all Inferiour Magistrates; that none incapable, unworthy, or unfit for Offices, or disaffected to the State, be entrusted with the Management of Affairs. Id. p. 313.

G

7. Sovereigns

id. p. 341.

7. *Sovereigns have a Power to censure, and correct all Inferiour Magistrates in proportion to their Offences: and in case of great Misdemeanour, or of Incapacity, they can wholly discharge and remove them from their Office.*

id. p. 357.

8. *Relief of the Oppressed, or Clemency to the Distressed, are Noble Flowers in every Sovereign Crown.*

id. 365.

9. *It belongeth to Sovereigns to receive Appeals from all lower Judicatures, for the final determination of Causes; so that no part of his Subjects can obstruct resort to him, or prohibit his Revision of any Judgment.*

id. p. 381.

10. *The Sovereign is Fountain of all Jurisdiction; and all Inferiour Magistrates derive their Authority from his Warrant and Commission, acting as his Deputies or Ministers; according to that Intimation in Saint Peter, 1 Pet. 2. 13. Whither to the King as Supreme, or to Governours sent by him.*

id. p. 388.

11. *It is the Privilege of a Sovereign, that he cannot be called to account, or judged, or deposed, or debarred of Communion, or any wise censured and punished; for this implyeth a Contradiction, or Confusion in Degrees, subjecting the Superiour to Inferiours; this were making a River run backwards; this were to damme up the Fountain of Justice; to behead the State; to expose Majesty to Contempt.*

id. p. 396.

12. *A Sovereign is in Dignity and Authority Superiour to any Number of Subjects, however conjoynd or congregated; as a Head is above all the Members however compacted; He is not Supreme, who is any wise Subject or Inferiour to a Senate, or any Assembly in his Territory.*

id. p. 398.

13. *The Confirmation of Magistrates elected by others, is a Branch of Supremacy.*

id. p. 400.

14. *It is a Prerogative of Sovereign Power, to erect, translate Spiritual Presidencies.*

id. ibid.

15. *It is a Great Prerogative of Sovereignty to impose Taxes on the Clergy or People.*

id. p. 398.

16. *It is a Privilege of Sovereigns to grant Privileges, Exemptions, Dispensations.*

Anal. p. 4.

No doubt, (says the Answerer) but it is; what need of any further Dispute then? Ay, but says He, that is such

such a Right of Power as is wholly DERIVED to them from the LAW. They may in many Cases do it by LAW, which owns this Authority in the Sovereign. There are many LEGAL Privileges, Exemptions, Dispensations, in the Power of the Prince. This, to say no more of it, is to put the King under the Law, which King James said was Treason to affirm. And if this will not give the Answerer a Conviction of his Rashness, I am afraid that He is out of the reach of all Instruction, and must be governed by other Methods.

12. Co fo. 65.

Ca. of Resil. in the Dedication.

And under this Consideration I come the next in course to the Reverend Dr. Sherlock, Master of the Temple.

The Answerer having recited the Doctor's whole Paragraph mentioned by the Author, bursts out into these Words, viz. *Now it is all out, and let him make his best of it.* Which looks like an Expression of more than Ordinary Concern and Passion, as if the Answerer were not a little touched; and here he spends his Might and his Strength in fighting against this Branch of the Interrogative, tho' by all means you must take his Tryal of Skill to be only to expose the shuffling Arts of the Writer.

Ans. p. 15.

ibid.

But our Answerer, tho' he may be a very notable Church of England Man, yet is not very honest, but manifestly puts Tricks upon his Readers; otherwise why does he more industriously labour to perplex and intricate the meaning of Dr. Sherlock's plain Words, than any other Persons which the Author has cited? Or why must what was said by way of Answer to an Objection against the Doctrine of Non-resistance, be only meant in an I know not what Sense, which above Four Pages are taken up to explain, though the Words in themselves were much more plain before? unless the Answerer by it endeavours to make them so no longer. And then if it had been the plainest Text in all the Bible, and cost the Answerer's evil Humour, he would, no doubt, have puzzled it with Dr. Sherlock's Meaning, and have made his Pride and Self-conceit the Standard of the World, and would expect that all should comply with, and truckle to it.

Dr. ^{Scot.} Vin-
dication of the
Rights of Ec-
clesiastical Au-
thority, p. 2.

Ans p. 19.

Favian in Prof.

Dr. Scott's Ser-
mon before
the Ld. Mayor,
Dec. 16 dec.
1633. p. 8.

But we will consider whither we cannot find the King's dispensing Power asserted by the Reverend Master of the Temple, *so far as appears from his own Words in this Pamphlet*, who affirms, *it does not become any Man who can think three Consequences off, to talk of the Authority of Laws in Derogation to the Authority of sovereign Power. The sovereign Power made the Laws, and can repeal them, and dispence with them, and make new Laws; the only Power and Authority of the Laws is in the Power, which can make and execute Laws. Sovereign Power is inseparable from the Person of a sovereign Prince.*

This is so plain, and home to the purpose, for which, as appears, the Author produced it, that one would have thought, to Men of any competent Understanding, it would have superseded the necessity of a Return to it: But the Answerer begs your Pardon for being any of those Men; for it seems he cannot see by this Passage, that the Power of dispensing with Laws is acknowledged to be in the King, and in my Judgment, it is scarce possible to think well, how Words can more fully and amply express it, or make this more plain and obvious to every Understanding.

The sovereign Power, says the Doctor, can dispence with Laws.

Sovereign Power is inseparable from the Person of a sovereign Prince.

Ergo, what? — Can the Answerer have the Forehead, (I appeal even to Dr. Sherlock himself) to say, That to conclude, therefore the Person of a sovereign Prince, from whom the sovereign Power is inseparable, can dispence with Laws, is affixing such a Consequence to the Words, which is neither a Consequence, nor his, but a wresting Words to other Purposes than they were intended? When the Answerer confesses, without Doubt the same Power that makes Laws, can repeal and dispence with them too; and we know very well, it is the Sovereign Power, which is inseparable from the Person of a Sovereign Prince, that made the Laws,
and

Ans^r title pag.

Ca. of Resist.

pag. 129.

id. p. 200.

Dr. Sherl. Vin-
dication of the
Rights of Eccl.
Authori^y, c. 1.
p. 16.

Ca. of Resist.
p. 156.

Ans^r p. 24.

id. p. 5.

id. p. 27.

and can make new ones; for that we are assured of from the Doctor's one Words. Now whoever will deny this to be the natural Fall and meaning of the Period, may easily be brought to deny any thing, even the Rights of Sovereignty, which keep the Crown firm upon the King's Head.

But because the Answerer blames the Author for breaking off, and says, he durst go no further, than that Sovereign Power is inseparable from the Person of Sovereign Prince, when as it immediately follows, and though the Exercise of it may be regulated by Laws, and that Prince does very ill, who having consented to such a Regulation, breaks the Laws; yet when he acts contrary to Law, such Acts carry Sovereign and irresistible Authority with them, while he continues a Sovereign Prince. He shall see I will not be afraid to repeat it all after him, no more than I will to ask the Answerer, whether he does not know, that he here deals very fallaciously with his Readers, in making them believe, (as the Author of *Jovian* observes) That there were no Laws belonging to Government, but those which he calls Political Laws, when as (tho' he would now suppress the Notion) there are Imperial Laws, paramount to Those that are Political, and to which These must defer? These shuffling Arts to lessen the Power of Kings in the Exercise of it, I should rather (as Dr. Sherlock says) have expected from a professed Enemy, than from a pretended Prerogative Divine of the Church of England, who not long since would have been very severe in their Censures upon all Mankind that should have dared to advance any thing above the Prerogative of Princes, whose Original of Sovereignty is deduced from no lower an Head than Heaven it self; He being therefore great, because he is less than Heaven.

Now can Political Laws, which are but humane Constitutions, bound and regulate the Prince in the Exercise of that Sovereign Power, which he hath by emanation from God alone, and is Imperial, (i. e.) full, perfect, absolute,

Jovian, p. 1.

Ca. of Resist.
p. 200.

Jovian, c. 06.

Dr. Sherl. Vindication in the
Introduction. p. 14.

Uppers Power
o the Prince,
p. 6.
id. p. 73. Ideo
magnus est,
quia cetero mi-
nor est, Tertul.
Apol. c. 30.

Jovian, p. 209.

*solute and Emire ? Hath God given an Absolute Power, and shall Man restrain it ? Nay, what is Power, but Power to act ? to limit the Exercise, is to limit the Power ; and it is a known Maxim among the Lawyers, that *Frustra est Potentia, quæ non reducitur in actum*, it is a very vain and Useless Power which cannot be exercised.*

But if You are for a *Simile*, the Reverend Dean of Worcester, and the Anonymous Author of the Harmony of Divinity and Law (if they be two Persons) will illustrate the matter to You by that of a *Fountain*, which remains a perfect *Fountain*, though its Waters are bounded in their passage by one or many Channels or Pipes, when they flow through a thousand *Aqueducts*, or when they flow but through one : But truly I should think, that though it be not of the Essence or Being of a *Fountain* for the Waters to flow from it at liberty without any such Regulation, Yet it is of the Being and Essence of Absolute Power to be Absolute, that is, to be without restraint in the Exercise of it ; for we judge of the Excellency of Beings by the perfection of their Forms, the freedom of their Motions, and the Undisturbed Exercise of their Proper Powers. But it is pity a good *Simile* should be lost ; let me see then what I can make of it.

The Divines of the Church of England hold, that the Character of their Offices, impress'd upon them in their first Ordination to them, is Indelible as to any humane Power. This I find in a very Learned Book, concerning the Rights of an Ecclesiastical Uniformity, dedicated to his late Majesty King Charles the Second, of Blessed Memory. And though * it be in the Power of Man (says he) to suspend, degrade, or depose them from the actual Execution and Discharge of their several Offices, Yet These Divines so restrained in the Exercise of their Offices, are nevertheless as perfect and essential in the Character of their Offices, and have That *†* as fully and entirely within themselves, as any free-flowing Spring: for God only at first invested them with the Habitual power belonging to their several Offices, and He only can take them away from them again.

So

Wid. 210.

Harmony of
Divinity and
Law, p 30

Jorian p. 210.

Serm. before
the Ld. Mayor
Oc. 5. Feb.
1681, 82. by
J. Lamb, M. A.
one of his Ma-
jesties Chapl-
in ordin p. 1.

*De Jure Uni-
formitatis Fe-
deratice*, by
Hugh Davis
L. L. B. &c
Fellow of New
Coll. in Oxf.
& 1st Chapl-
to the Ld. C. D.
of Buckingham
L. 2 c. 6 §. 1.
fo. 131.

* *ibid.*

† *Jorian* 210.

Davis *us sup.*

So our late Glorious Martyr, when he was by the Scotch delivered up, as it were, to be scourged, and crucified, to some Commissioners from the Parliament, and they, receiving him, had conveyed him to his own House at Holmeby, where his Restraint was so strict that they suffered none to come near him, that by owning his Cause were assured of their Wellcome; though He was here with a witness confined and restrained in the Exercise of his Power, yet as to the Being and Essence of Imperial or Sovereign Power, the King was as Compleat a Sovereign, and had the Sovereign Power as fully and entirely within himself, as He who is at liberty to exercise his Authority, as he will. What stuff and banter is all this! which yet naturally flows from the Simile of a Fountain, but is enough to give all men a nauseous shame of it, but such as are resolved never to be honest or wiser.

Dr. Perin-
chief's Life of
K. Charles I.
pag. 36.
Id. p. 1. 7.

Jovian, 211.

Id. p. 210.

Dr. Ser. s Serm.
ut sup. p. 28.

Jovian, 210.

Well, but the Dean tells us, That to be arbitrary is not of the Essence of an Imperial Sovereign; it seems his Power is absolute, but, not arbitrary, which is, like a Dear-Joy's Witticism, a distinction without a difference. Oh! but to be confined in the Exercise doth not destroy the Being, nor diminish the perfection of Sovereign Power, for then the Power of God himself could not be Sovereign, because there are certain immutable Rules of Truth and Justice, within which it is necessarily limited and confined. He himself confesses, That this Limitation of Almighty God is intrinsecal, and proceeds from the perfection of his Righteous and Holy Nature, but surely that which hath no limitation ab extra, is absolute and arbitrary; and if, as Doctor Sherlock holds, the King being God's Minister, is upon that account as much greater than all, as God is, He must then be as much above limitation from any thing without.

Id. 211.

Ibid.

Ca. of Resol.
p. 104.

In short, the King had Sovereign or absolute Power (for our late Prerogative Divines have used both Epithets Synonimously) till he hath, as he thinks, occasion to exercise it upon them; but now if he be restrained in the Exercise of it, he hath not any longer an absolute Power in such a manner, as they themselves have

Ans. p. 30.

have thought fit to preach up, as the Answerer says, for *very good Court Doctrine*, in the Times when they were sure they could make their own Preferments out of it.

Ans. p. 28.

To conclude, It seems a very artful Turn to say, That Dr. *Sherlock's* whole Paragraph, quoted by the Author, and justified in the Answer, does mean no more than *That no Law can have such Authority over a Sovereign Prince, as to unking him, or deprive him of his Sovereign Power*; For then Clergymen's Words must be taken only with their own Interpretation, and not in the common Sense that all the rest of Mankind would naturally and necessarily construe them in; and they are

ibid. p. 7.

not to be thought to own more, than what they themselves do now believe that they did. This is a very dextrous way for them to shift their Principles, according to the variable Exigencies of Affairs in Government. But can any thing be more ridiculous than to think, That *Sovereign Power* can be forfeited by its Exercise? Or that what the Doctor hath so plainly owned, as Words can express, was more than the due Exercise of that *Sovereign Power*, by which the Government was necessarily to be upheld? Or, in a word, can the Rights of *Sovereign Power* be severed from the Person of the *Sovereign Prince*? This would be, what does not become any Man, who can think three Consequences off, as the Doctor says, to talk of the Authority of Laws, in derogation of the Authority of the Sovereign Power: But the Answerer, I find, so he can but mince plain Sense to the small degree of his own Understanding, cares not how he makes the Dr. or indeed any one else, to turn Fool, and speak Non-sence.

Now to have entire Sovereignty with all its Incidents to make, repeal, and dispence with Laws, must certainly infer a Right of Judging when and how to exercize this Power, or else it would be as vain and insignificant as this Answerer would fain make it, now it serves no longer his Turn: Yet being apprehensive that some of his

Brethren

Brethren have given more than it is convenient for them to stand to in this present Juncture and Scene of Government, we are to believe (if the Answerer could prosecute his Readers to him) that *this unlimited dispensing Power is a meer Point of Law, and what does a Churchman's Judgment signify in matters of Law?* — Alas! those are very apt to mistake, (he means would be thought so at present) *who guess at things out of their Ken; and to determine Points of Law, is out of their Sphere.* Yet that

Ans. p. 21

Id. p. 5.

these Prerogative-Divines may re-assume the Matter when time shall serve, says the Answerer, *Obedience to Sovereign Princes, both Active and Passive, is not merely a Point of Law, but a Gospel Command:* If then Active Obedience be a Duty, whenever the Sovereign Prince thinks fit to exercise his Sovereign Power, and to make use of his *Imperial or Prerogative Laws*, tho' it be contrary to the ordinary political Methods of Government, Those Methods are to be accounted for that time, as set aside; and, as they ought not to be made use of in derogation of the Authority of the Sovereign Power, The Prince is herein to be obeyed, not the Law; for to that particular Purpose it ceases to be a Law: And thus the Argument stands upon the Premises which I take from Dr. Sherlock and the Answerer,

Active Obedience to Sovereign Princes is a Gospel Command.

The King's most illegal Acts have the Authority of the Ca. of Resist. p. 199. & p. 113. Sovereign Power, which always signifies the Person of a Sovereign Prince.

Therefore Active Obedience to the King's most illegal Acts is a Gospel Command.

And this is made more plain by what the Author quoted out of Jovian, *That upon whomsoever God is understood to bestow the Sovereign Authority, he must also be understood to bestow upon him all the Jura Majestatis, or Essential Rights of Sovereignty, according to that Maxim, Qui dat esse, dat & omnia pertinentia ad esse; He that gives the Essence, gives also the Properties belonging to the Essence.* Jovian p. 241.

H

From

Ca. of Refill.
p. 200.

From what has been proved, I submit it to the Judgment of unbiassed and unprejudiced Readers, if it be not as clear as the Sun at Noon-day, that it is the Judgment and Doctrine of the Clergy of the Church of England, That the Sovereign Prince, from whom Sovereign Power is inseparable, may dispence with the Penal Laws, when he, (and He, and not the People, is to be the sole Judge) shall find it necessary for the ease and benefit of his Government in general.

Well, Doctor Sherlock was the last Great Man who said the last Great thing, and therefore the Answerer thinks the Author runs low, when he takes up with Doctor Nalson, and Doctor Puller, little Men in his Opinion; which shews me some difference betwixt the Author and the Answerer; for the former, it seems, ran high till he came to These, but the Answerer has run low from the beginning, and I fear will grow very dull and heavy before he comes to his Goal.

Foran in Pref.
Ans. p. 31.

For in the next page I find he cares not to trouble himself about the Anonymus Author, whom, as he says, (I verily hope not against his own Conscience) he neither knows, nor his Book, and supposes the Cause will not depend upon a single Authority.

Dr. Tillotson's
Sermon at White
hall 4 April
1709. p. 37.

Ep. Wilkins's
5th. Sermon. p.
133.

Hum. of Div
and Law, p. 37.

I perceive the Answerer thinks this Instance to be home to the Author's purpose, and was willing to get rid of it as fast as he could; and the shortest cut was not to mention a word of it to his Readers, for fear it should give them too great an Illumination; but Truth is bold and full of Courage, and loves to appear openly; and is so secure and confident of her own strength, as to offer her self to the severest Tryal and Examination; therefore I shall beg leave to repeat to them this Quotation of the Author, it being a matter of that Evidence and Importance, as may well bear a man out to speak with Authority, and to strike an Ant upon the Hearts of such as shall gain say and oppose it.

It is the Prerogative of the King, says the Book, to dispence with many Acts of Parliament by a * Non obstante, or clause

clause of notwithstanding, especially such, as bind him from any Prerogative, that is solely and inseparably annexed to his Sacred Person, and Royal Power.

The Answerer, and likewise Every Body else that pretends to admire his Pamphlet, might with half an Eye *J. vian* in Pref. purged of bad Humours, have discerned this fully to be asserted as the Judgment and Doctrine of the Clergy of the Church of England; but we find the Proverb true by experience, that there is none so blind, as those who will not see. Ibid.

But he thinks it enough if he tells You, He neither knows him nor his Book, tho' I think he might easily have known them both, if he would have enquired of Randal Tayler near Stationer's Hall, who was the Publisher of Harmony, &c. it, the Answerer being a notable Church of England Divine: but he knew that would be to little purpose, for he should never be able to make a fair, close, and substantial Answer to this positive and home Testimony. in Title Page.

But yet this is not all, for even to the Asterick * above There is this Marginal Note, viz. 44 Eliz. in the House of Commons, Sir George Moor said, We know the Power of her Majesty cannot be restrained by any Act. Why therefore should we thus talk? admit we should make the Statute with a Non obstante, yet the Queen may grant a Patent with a Non obstante to cross this Non obstante. 44 Eliz.

To which let me add what I there further find in the Margent, The 2 Stat. 13. R. 2. c. 1. restrains the King's power to pardon Treason, Murder, or Rape, and circumstances about the King to beg such a Pardon to pass by immediate Warrant. Ibid. 13 R. 2. c. 1.

But the Commons quickly grew weary of this Restraint, and within three years after desired a Law which past in 16 R. 2. c. 16. whereby so much of the former Law, as made it penal to intercede for a Pardon, or to pass it by immediate Warrant, is repealed, and with the rest of the Law the King dispences at this day by his Prerogative, with a Non obstante. 16 R. 2. c. 16.

Ibid.

For such a Preheminance, as it is in the Body of the Book, certainly can belong to nothing, but a perfect Sovereign, and an Imperial Crown.

In the Preface.

Here this Great Branch of the King's Prerogative is honestly and expressly owned as Gospel by a Divine of the Church of England, for he tells us in the Preface, *he preach'd the greatest part of what is in that Book printed, the good success of which, as it came from the Pulpit, made him hope, that it would, by Gods Blessing, not meet with ill reception from the Press, — but some may tend to his Majesties Service, and the publick good.*

Ibid.

And in the same Preface he shews, *how requisite it is, especially for Divines, to put themselves in a capacity, by looking into the Law, to defend the Government, and the King's Prerogative against Them, who fear nothing more, than that the People should have such Ministers, as understand the Laws of the Land. And therefore it concerns them all to study the Laws so far, as when they preach Obedience to the Imperial Laws or Prerogatives of the King, as God's Vice-gerent, to let the People see they preach in the very Stile of the Law.*

Ans. p. 3.

Here then we have the Judgment of a Lawyer in the Divine, therefore this is an *Appeal to such a Judge as has skill in the matter, and upon whose Judgment sure some stress may be laid.* But what our Answerer knew not how to get over, he knew very well how to conceal; so that this, it seems, is an Answer in saying nothing to the Point. *Fie for shame!* is this a Churchman's honesty?

id. p. 2.

But if perchance it should be here said, That this is but the single Opinion of a Private Unknown Author, or that all the Quotations indeed (which the Answerer with so much warmth and industry hath laboured to refute and baffle) are but the Testimonies of particular Doctors, and *not the publick and standing Declarations of the Church of England:* To this I shall briefly return these Four things, by way of Answer.

Vid. Dr. Cave's
Serm. before
the Ld. Mayor
&c. 5. Nov.
1680. p. 21.

1. That This is a most gross and senceless evading of the Point; for whether the Church publickly declare
this

this or not, 'tis these Great Doctors that steer men's Consciences, and their practise is generally conducted by them; we have oft of late been rounded in the Ears, That the Priests Lips do keep Knowledge, and the people are to seek the Law at their Mouths.

2. The Books, from whence the Author has collected his Testimonies (to shew that the Clergy of the Church of England have in their Writings asserted this dispensing Power to be in the King) are all approved, licens'd, printed, and recommended too, as Excellent pieces in their several kinds, to make men good Christians by becoming Loyal Subjects.

3. They were all written by Persons, who not only for Learning, but for Dignity in the Church, were most Eminent and Remarkable.

4. And (which will fully answer this matter) not a Period, nor a Word in all these Writings was ever disowned, censured, or condemned by any Publick Act or Declaration from the Supream Authority of the Church; which in all Reason, Justice, and Equity they were obliged to do, did they not allow and own them. So that I hope, I have by this prevented the dust of any such Objection from flying in One's face hereafter: *Sed è diviculo in viam.*

I will now return to the Answerer, who is arrived to make a Paraphrase upon the Judgment and Resolution of the Judges, the Authority of which he takes from the Men, not from their Reasons, for he is not so fond of knowing them, because (he says) they must not determine great and concerning Points; it seems then this Answerer would have the final determination of such Cases to be without Reason; and that would be very fine indeed: but let him take heed he does not in a Convenient place feel the Weight of their Authority, the Validity of whose Reasons he has at present so little fondness for.

And here in this, his Vice has corrected the Sin of All those Great Men, who have meddled with matters that do not come within the compass of their Sphere; id. p. 11, 12.

vid. p. 33.
pag. 34.
 Sphere; but probably he thought that his Care (least the Greatness of the Authority of the Judges should be lost by the Weakness of their Reasons) would be an Excuse for That, as well as for shewing, that they and the Divines may make different reasonable Conclusions from the same Premises, which is to take an Opportunity to shew his own great Skill in Logick; and the knack of the Divines that way: For tho' the same Propositions were asserted by them as well as by the Judges a hundred times over, yet They might not draw the same Conclusions; which is to shew, that either the Judges did not draw right Conclusions, or else that the Divines did not, for different Conclusions from the same Premises cannot be both true, according to the Logick my Tutor taught me.

ibid.
 But to explain this further, which seems to be the Business of this Answerer, He has been here as lucky in explaining of others, as he is in explaining of himself, for in the very next Paragraph he says, *He cannot tell whether the Premises be the same or not*; and that, I think, is a pretty handsome come off.

Well, He has such an Art of endeavouring to say something at first, and making it nothing at last, that I must confess it seems to be an Endowment peculiar to himself, which I have scarce ever met withal before, and assure him shall never envy him for it.

ibid.
pag. 32.
 For altho' he comes to tell us, That *the Premises* (he means the Propositions of the Judges) *are set down in such loose and general Terms, as admit of very different Sences*, he will not be pleased to tell us the Sence of the Judges, which would be a real Kindness indeed; yet how far the Divines of the Church of England have owned these loose Premises, and in what Sence, this he can tell us as easily, and as certainly, as if they had declared themselves upon it in a Convocation or national Synod, and He had been their President. No Doubt too he can tell us the Sence of the Divines of the Church of England as infallibly concerning the Real Spiritual

Spiritual Presence in the Eucharist, but not Corporal; their Oath of Assent and Consent to every Word in the Liturgie; and Athanasius's Creed, which was never of his, as the Dean of St. Pauls assures us, but of a French Composition; or any other great Point of Controversie with as much of Plainness and Sincerity. These things would prove the Answerer to be a very extraordinary Man, and well skilled in the Divinity of the Kingdom of England, which, he says, is a great Word, but for several Reasons he gives, without a Jury of Divines, no Man can tell, or find out what it is; so that our Answerer is discovered to be well skilled in he does not know what. Nay hold there; for he can tell you the Sence of the Divines upon each Proposition of the Judges in order, which I need not here examine for these Reasons;

Dr. Stilling-
fleet's rational
Account, fo. 37.

Ans. p. 30.

1. Because the Author says nothing of the Sence of the Divines upon those Points. And

2. Because our Answerer can only tell us what he calls the Sence of the Divines, but he can know it no more than he can the Divinity of the Kingdom.

He first distinguishes concerning a Sovereign Prince, that is absolute in what Dr. Hicks calls the *Essence of Power*, but limited in the Exercise of it; that is, he is not Sovereign in the Exercise of his Sovereignty, because it is restrained; which is very hard, and requires more time to think of, than I intend at present to spare; it is *such an Impudent Calumny* upon our English Monarchy, as needs no Confutation, and let others consider what Censure it deserves.

Jovian, p. 111.

Dr. Sherlock's
Vindication of
the Rights of
Eccl. Authority
p. 213.

And the Men of cunning and true Sagacity do make great use of such a Distinction, for they can call a King a Sovereign Prince, and when they think it convenient, he shall be unlimited and Imperial, and have as absolute Authority as the most absolute Monarch in the World can challenge; But upon a cross Accident, when the King chanceth to be not of the Religion as by Law established, by virtue of their Powder pimp a line pimp, he is changed again into

Ca. of Reas.
p. 10.

Ans. p. 34.

Jovian, p. 80.

Ans. p. 85.

*Vid. Dr. Burnet's Relation of the Death of the Primitive Persecutors, Pref. p. 6.

Ans. p. 37.

Ibid.

Pana Frangis c. 1. c. 1.

a limited Prince, and tho' he hath all Sovereign Power in him, yet in the Exercise of it he must be under (as Dr. Hicks's Words are) a very close Legal Confinement; as much as to say, he must be a Prince of the Church of England's making in the Time of King James the Second: And the extent of his Power must be known by the particular Laws of his Kingdom, and not any longer from the unlimited Notions of Sovereign Power, and Sovereign Will and Pleasure: That is in short, they will have him a Prince as by Law established.

For now the Answerer seems to be very desirous to leave off the Phrase of Sovereign Power, and (in good time!) to call the King a limited Monarch: All shall be *Cæsars*, whilst *Cæsar* is theirs, but if his Application be to new Friends then they will thunder out the Laws in restraint upon his Sovereignty, as loud and as fierce, as ever they have done of late the Theban Legion, which at last we are informed, is a Legend, that is not at all credible.

In conclusion, I find the Answerer has met with a Bugbear, called by the name of Liberty of Conscience; He is so surprized, that he has nothing at all to say to it: this is the *noli me tangere* that so many are afraid to have any thing to do with, because it brings a Distemper upon them; tho' at the same time it gives a most pleasing and certain Cure to the Afflictions of so many others, who perhaps may be both as good Christians and as good Subjects as the Reverend Answerer, who is so nicely scrupulous in what he says about it, that he makes it a sort of a Chip in Pottage, which (he hopes) will not do Popery much good, nor the Church of England much harm: But if (as he says) Popery be not popular in this Age, I would heartily desire the Church of England to consider, whether She is not become in a great measure unpopular too, by her late want of Bowels and Compassion to her dissenting Brethren, in animating the Magistrates all the Kingdom over, to put, in the most fierce and vigorous Execution, the worst of Laws against them, I mean, those

those that persecute disagreeing Consciences; because they cannot think and believe AS BY LAW ESTABLISHED. Now,

There can be nothing more pernicious, says the Right Reverend Bishop Bramhall in his forecited Book, than where the Sacred Name of Law is prostituted to avaritious Ends, where Statutes or Canons are made like Pitfalls or Traps to catch the Subjects by their Purfses, where profitable Faults are cherished for private Advantage by mercenary Judges, as Beggars do their Sores.

Schism Guard. ed. p. 152. 153.

'Tis to make Laws to become snares and hooks to catch the People, says the Great and Learned Bishop of Down and Connor, and to enrich the Treasury with the spoil and tears and curses of the Commonalty, and to multiply their misery and their sin.

Bp. Taylor's Holy Living; ch. 3. Sect. 2. p. 157. 7. Edit.

And therefore he says, *The severity of Laws must be tempered with dispensations, pardons, and remissions, according as the Case shall alter, and new necessities be introduced, or some singular accident shall happen, in which the Law would be unreasonable or intollerable as to that particular: And again*

Ibid.

That Penal Laws should not be urged rigorously nor in light Cases.

Id. p. 159.

And in that Admirable Treatise, called, *The Liberty of Propheying*, he tells us, *That no Christian is to be put to death, dismembred, or otherwise directly persecuted for his Opinion, which does not teach Impiety or Blasphemy. If it plainly and apparently brings in a Crime,—if it be published, and comes à stylo ad Machæram (as Tertullian's Phrase is) then it becomes matter of Fact in principle and in persuasion, and is just so punishable, as is the Crime that it persuades.*

Liberty of Propheying. Sect. 13. p. 190. id. p. 191.

Id. p. 192.

If we (says he) who are so apt to be deceived, and so insecure in our Resolution of questions disputable, should persecute a disagreeing person, we are not sure we do not fight against God, ~~For~~ if his proposition be true, and persecuted, then, because all Truth derives from God, this proceeding is against God, and therefore this is not to be done, upon Gamaliel's ground, lest peradventure we be found to fight against God, of which because we can have no security (at least) in this case, we have all the guilt of a doubtful or an uncertain Conscience.

Id. p. 193.

Besides, Whoever persecutes a disagreeing person, arms all the world against himself, and all pious people of his own persuasion, when the Scales of Authority return to his Adversary, and attest his contradictory; and then, what can he urge for mercy for himself, or his party, that sheweth none to others? If he says, that he is to be spared because he believes true, but the other was justly persecuted because he was in Error, he is ridiculous. — For He that hath Authority on his side, will be sure to judge against him. So that, what either side can indifferently make use of, it is good that neither would, because neither side can with reason sufficient do it in prejudice of the other.

Id. p. 99.

It is unnatural and unreasonable to persecute disagreeing Opinions. Unnatural; for Understanding being a thing wholly Spiritual, cannot be restrained, and therefore neither punished by Corporal Afflictions. It is in aliena Republica, a matter of another World: You may as well cure the Cholick by brushing a man's Clothes, or fill a man's Belly with a Syllogism. — And as it is unnatural, so it is unreasonable; that Sempromius should force Caius to be of his Opinion, because Sempromius is Consul this Year, and commands the Licitors: as if He that can kill (let me add, Fine, and Imprison, &c.) a man, cannot but be infallible, and if he be not, why should I do violence to my Conscience, because he can do violence to my Person?

Again,

Again, Force in matters of Opinion can do no good, but is very apt to do hurt; for no man can change his Opinion when he will, or be satisfied in his reason that his Opinion is false, because discomenanced. — And if a man cannot change his Opinion when he lists, nor ever does heartily, or resolutely, but when he cannot do otherwise, then to use Force; may make him an Hypocrite, but never to be a right Believer, and so instead of erecting a Trophée to God and true Religion, we build a Monument for the Devil. Id. p. 200.

It is one of the Glories of the Christian Religion, that it was so pious, excellent, miraculous, and persuasive, that it came in upon its own piety and wisdom, with no other Force but a Torrent of arguments and demonstration of the Spirit; a mighty rushing Wind to beat down all strong holds, and every high thought and Imagination; but towards the persons of men it was always full of meekness and Charity, compliance, and Toleration, condescension, and bearing with one another, restoring persons overtaken with an Error, in the Spirit of meekness, considering lest we also be tempted. The Consideration is as prudent, and the Proposition as just, as the Precept is charitable, and the precedent was pious and holy. Now things are best conserved with that which gives it: the first Being, and which is agreeable to its Temper and Constitution. That Precept which it chiefly preaches in order to all the Blessedness in the World, that is, of meekness, mercy, and charity, should also preserve it self, and promote its own Interest. — It would be a mighty disparagement to so glorious an Institution, that in its Principle it should be merciful and humane, and in the promotion and propagation of it so inhumane: and it would be improbable and unreasonable that the Sword should be used in the persuasion of one Proposition, and yet in the persuasion of the whole Religion nothing like it. Id. p. 201.

In the Primitive Christianity People were converted by Miracles, and preaching, and disputing, and Hereticks by the Id. p. 205.

Id. p. 106.

same Means were redargued, and all *Ale* instructed, none tortured for their Opinion. And this continued till Christian People were vexed by disagreeing Persons, and were impatient and peevish, by their own too much Confidence, and the Luxuriancy of a prosperous Fortune: But then they would not endure Persons that did dogmatize any thing which might intrench upon their Reputation or their Interest. And it is observable that no Man, nor no Age did ever teach the Lawfulness of putting Hereticks to Death, till they grew wanton with Prosperity. But when the Reputation of the Governours was concern'd, when the Interests of Men were endangered, when they had something to lose, when they had built their Estimation upon the Credit of disputable Questions, when they began to be jealous of other Men, when they over-valued themselves, and their own Opinions, when some Persons invaded Bishopricks upon pretence of new Opinions, then they, as they thrived in the Favour of Emperors, and in the Success of their Disputes, solicited the temporal Power to banish, to fine, to imprison, and to kill their Adversaries.

So that the Case stands thus. In the best times, amongst the best Men, when there were fewer temporal Ends to be served, when Religion, and the pure and simple Designs of Christianity were only to be promoted; in those times, and amongst such Men, no Persecution was actual, nor perswaded, nor allowed towards disagreeing Persons. But as Men had Ends of their own and not of Christs, as they receded from their Duty, and Religion from its Purity, as Christianity began to be compounded with Interests, and blended with temporal Designes, so Men were persecuted for their Opinions.

Id. p. 108.

But yet although the Church, I mean, in her distinct and clerical Capacity, was against-destroying or punishing Difference in Opinion,—yet the Bishops did perswade the Emperors to make Laws against Hereticks, and to punish disobedient Persons with Fines, with Imprisonments, with Death, and

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Banishment respectively. - which might be for restraint of differing Religion in order to the Preservation of the publick Peace, which is too frequently violated by the Division of Opinions. But I am not certain whither that was always the Reason, or whither or no some Bishops of the Court did not also serve their own Ends in giving their Princes such untoward Council.

But afterwards many got a Trick of giving them over to the Secular Power, which at the best is no better than Hypocrisie, removing envy from themselves, and laying it upon others, a refusing to do that in external Act, which they do in Council and Approbation: Which is a transmitting the Act to another, and retaining a Proportion of Guilt unto themselves, even their own and the others too. id. p. 102

I have been thus Copious before I was aware, from this great Man, who was in his time an Eminent Glory and Ornament to the Church of England, and the Treatise from whence these Collections are taken, is one of the best Books that ever was wrote for Liberty of Conscience, a Book which ought to be read by all our Church Divines, which is capable to inspire them with the most generous and Godlike Principle, agreeable to the best Reason, and wisest Apprehensions of Mankind, admirably fitted for the perfecting of our Natures, and the sweetning of that furious and unpeaceable Spirit, which has been so troublesome to the World, and the cause of so many Mischiefs and Disorders in it; and I wish they would for the future be all invested with the same marvellous sweet Nature, which is certainly to be reckoned as One Half of the Grace of God. Answ. p. 91

Bp. Taylor's
Worthy Communicant; printed 1678. in the Funeral Sermon at the
End, p. 454.

But the Answerer says, he will say nothing to this main Point of Liberty of Conscience, before the Author will vouchsafe an Answer to all the Presbyterian Arguments against Answer p. 39.

against Toleration, but especially that Book called Tolleration discaused, and the Arguments of Dr. Parker, now the right Reverend Bishop of Oxford in his Ecclesiastical Politia: And when he can prove, That Liberty of Conscience is the Doctrine and Practice of the Church of Rome, and the standing Rule of the Inquisition, then the Answerer will consider further of this Argument. Very Fine and Admirable! Because the Author recommended Liberty of Conscience in Matters purely of Religion to be a most Christian Principle, and a Natural Right, therefore he must run the Gauntlet through all that have formerly opposed it, or the Answerer will not meddle with it; the Reason is too Obvious, for if he could say any thing against it, he would not approve himself now an honest *Prerogative-Divine*, which he would fain still be thought to be, tho' perhaps he may get no Preferment by it till the next Coronation.

Ans. p. 4.

But if the Presbyterians have been in their Day to blame, will that excuse the Church of England from being Guilty of the same Fault? Certainly no, but rather be an Aggravation of her Guilt, in shewing her Revenge, that she is fond of it, hugs it, and would by no means lose the Power of a barbarous Deportment. And admit this to be the Doctrine and Practice of the Church of Rome, and the standing Rule of the Inquisition, will the Church of England be tenacious of this worst part of Her Corruption? Can She dislike her Body so much, and yet at the same time cherish her Ulcers? And because she condemns the Church of Rome for being Leprous, will she resolve to continue in the same Leprosy, to the Stain, as well as Scandal of that Glorious Reformation she pretends to? Surely if this be evidently repugnant to the true Spirit of Christianity, she ought to be both ashamed and a weary of it; if it be contrary to the Example of our Saviour, what is it then but to act like the Devil, and to give an Evidence, that they who do so, distrust the r

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own Cause? And they may expect their Judge should inflict his Judgments on them, and on that Church which doth permit it. And if it be wholly opposite both to the Principles and Practise of the primitive and purest Ages of the Church; I hope this will sufficiently convince the Wise Men of our *National Church*, that the Religion which commands these Cruelties and Inhumanities cannot derive it self from him who is the God of Love, and Patience, and Mercy, & Pity to the Sons of Men.

I hope this is fully sufficient to satisfy all reasonable Parties of Men, that the Penal and Sanguinary Laws, made meerly to force Men in Matters of Religion, against the Conviction of their Consciences, are Anti-christian and Diabolical; and if so, I would have them in good Earnest to consider, as Dr. Sherlock most admirably has observed to us, *What Authority has a wicked and persecuting Law? And who gave it this Authority? What Authority has any Prince to make Laws against the Laws of God? If he have no Authority, then it is no Law; and then to make a wicked Law to persecute good Men, is the same thing, as to persecute without Law, nay, as to persecute against Law.* And the Reverend Dr. Falkner in his *Libertas Ecclesiastica*, affirms it, that the Lawfulness of designing the Ruine and Destruction of any Persons, only because they err in Matters of Religion, is a thing by no means allowable.

Ca. of Resist.
P. 101.
lib 2. c. 5. 2.
p. 407. Dedicated to the most Reverend Father in God Gilbert, Ld. A. Bp. of Cant.

I will once beg the Reader's Patience to let me give him the Sence and Testimony of another Great Bishop and Prelate of the Church of England concerning this Matter, and that is Dr. *Gauden*, late the right Reverend Bishop of Exeter, in a *Discourse* of his concerning publick Oaths, and the Lawfulness of swearing in judicial Proceedings, says He, *I do judge it both Piety, Charity, and Policy to establish the Rule of publick Religion by Laws for Uniformity,*

in Ep. Dedicated to the truly Hon. Rob. Boyle Esq. Son to the Earl of Cork. &c. print. 1662.

in Doctrine, Devotion, discipline, and Decency, accompanied as with Rewards and Priviledges to the Conformers, so with some moderate pecuniary Penalties on Dissenters, according to Men's Estates and Influencies : But I confess, I am not for heavy Mulcts, and rigorous Exactions, which shall imprison, banish, impoverish, or destroy modest Dissenters, and their Families, only for the variety of their Judgments, when their Civil Actions are otherwise moral, just, and inoffensive. This severity would in some Countries (and possibly now in England) be not only destructive to many thousands, but disadvantageous to the King and Kingdom, to the Trade and Commerce of the Nation, by opening a little Wicket of Royal Clemency only to some few, and shutting the Great Gate to many, whose tender, and unsatisfied, or scrupulous Consciences do as much expect, need, and deserve it, as those that have it in petty matters, whilst all others scruples are driven to discontent, and despair, by denial of all Indulgence to them in greater Scruples.

Ibid. We ought, (says he) to shew candour and humanity towards all persons, that are not wholly profligate in their Opinions, or desperate in their Actions.

ibid. The Cudgel, and Sword, prisons and banishments, plunderings, and sequestrations were the late cruel and flagellant Methods of our most tyrannous times, which had nothing of Reason, Law, or Religion to support them; but these are not (in my Judgment) the fittest means to confute the falsities of men's private Opinions, or to rectifie the obliquities of their inconform, but innocent Actions flowing from them upon the account of Conscience, and plea of Religion.

ibid. Again he adds, I confess I would not have this legal and avowed Religion of the Nation so rigorous, sharp, and severe (as Sarah to Hagar) by the sudden overawing, or violent over-laying of all other different persuasions in peaceable men, as not to let them breath in the same common Air, or not to enjoy their Lives,

Lives, civil Liberties, and Estates, with their dissenting Consciences in all modest privacy, and safety. I abhor (as much as I dread) all Racks and Tortures of men's Souls; no less than curious scrutinies of men's Consciences, which covet first, like God, to search men's hearts, and then like the Devil, delight to torment them in their Estates, and Liberties, only because they are not wise or apprehensive as themselves, but as honest perhaps, and sincere in the sight of God.

And lastly says He, *My native temper abhors, after the Genius of Primitive Christians, all severity or rigours only upon the score of Religion, farther than is necessary for the Cure of Offenders, and the Conservation of the publick Peace. I know the roughness or smoothness of men's Educations and Complexions, like Elau's and Jacob's, have much influence upon their Opinions, and Conversations, yea, and upon their Consciences too: if this may seem to some too great a facility and gentleness in me, yet it is an Error on the right hand, and nearest the medium both of Humanity, as a Man, and of Charity, as a Christian, measuring all policies by Christ's golden Rule, to do as I would be done unto.*

ibid.

The Reverend Dr. Sherlock says, *I am so profest an Enemy to Popery, that I abhor that Popish Principle, of Persecuting merely for Religion's Sake, which can no more be justified in Protestants against Papists, than in Papists against Protestants.*

Seasonable Reflections on the discovery of the late Plot, p. 15, 16.

The Servant of the Lord must not, saith Dr. Gell, Dr. Gell's Remains, Vol. 1. fol. 610. abuse his Authority to the Hurt or Disparagement of those under his Government, he must not seek for his own Profit, Honour, Pleasure, Ease of the Flesh: He must not tyrannize over his Brethren: St. Peter exhorts the Elders, ἐξhortέσθαι. 1 Pet. 5. 1, 2, 3. The Elders which are among you I exhort, who are also an Elder, and a Witness of the Sufferings of Christ, and also a Partaker of the Glory

Glory that shall be revealed. Feed the Flock of God which is among you, taking the Oversight thereof, not by constraint, but willingly: Not for filthy Lucre, but of a ready Mind: Neither as being Lords over Gods Heritage, but being Examples to the Flock.

Remember thou art Rector, non Raptor, non Deffructor, non Tyrannus; Dispensator, non Dissipator, vel Usurpator; Tutor, non Devorator. Bernard, not Domineering, not Lording over the Flock. Ezek. 34. The Flock is not ours, but Gods. 1 Pet. 5. And our Duty is not to force them to us, or our Opinions, but to lead them to Christ. This I speak the rather because of divers Opinions that I know are amongst us, which while they are at various points, are not at all consistent. Rom. 12. 6. Hold the Head. Col. 2. 10. They may be tolerated. Nor can any Man possibly force another, nor any Man himself to think otherwise than he doth: It is God that persuades the Heart, he persuades Japhet; and is the Author and Finisher of Faith. Eph. 2. And therefore the Apostle. Rom. 14. 5. Quilibet abundet sensu suo, Let every Man be fully persuaded in his own Mind.

Fr. W. Fin's
Serm. in Pref.

I will mention but one more upon this Subject, and that is, the Reverend Dr. Tillotson, the present Dean of Canterbury, who in his Preface to the Reader before the Sermons of Dr. John Wilkins, late Lord Bishop of Chester, says of him, I purposely mention his Moderation, and likewise adventure to commend him for it; notwithstanding that this Virtue, so much esteemed & magnified by wise Men in all Ages, hath of late been declaimed against with so much Zeal and Fierceness, and yet with that good Grace and Considerance, as if it were not only no Virtue, but even the Summ and Abridgment of all Vices. I say, notwithstanding all this, I am still of the old Opinion, That Moderation is a Virtue, and one of the peculiar Ornaments and Advantages of the excellent Constitution of our Church, and must at last be the

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Temper of her Members, especially the Clergy, if ever we seriously intend the firm Establishment of this Church, and do not industriously design by cherishing Heats and Divisions among our selves, to let in Popery at these Breaches.

And as for his Book, called *Toleration discussed*, I shall only observe two things by way of Answer to him, and so conclude.

1. That it is a Clear Indication of the Answerer, that, if he durst, he would justify it as the Doctrine of the Clergy of the Church of *England*, that whenever they can get into the Seat of Power and Empire, they may, by virtue of Acts of Parliament, and Canons of thir Church, fine and imprison, excommunicate, transport and banish, put to death, and ruine and destroy both the Bodies and Souls of all those that will not work up their Consciences to a conformable compliance with Her Establishments: And

2. That it shews a high piece of Confidence in the Answerer, for him thus to confront his Prince with the Opinion of a Pamphlet, (the Design of which by the Title, is to *lay open the Impiety and danger of a general Liberty*,) when the King hath upon the gravest Consideration imaginable found it by long experience to be true, and for the Greatest Truth hath been most graciously pleased to declare to all his Subjects, nay indeed to all the World, *That Conscience ought not to be constrained, nor People forced in matters of meer Religion*: and as he told his Council, *That it can never be the true Interest of a King* of England to endeavour to do it.*

*Toleration
discussed*.
Title Page.

His Majesties
Gracious De-
claration.
March 18.
1688. 8. Ga-
zette, n. 2 16.

How may the Church of *England* thank God, that hath put it into the King's Heart to be of this Opinion, *That Conscience ought not to be forced*, for if he had been of the Con-

Contrary Judgment with Some Members of her Communion, he had been then *obliged in Conscience*, and *enabled by his Prerogative* to have crushed and destroyed her, and that without Remedy.

Now as this is an absolute Refutation of that Pamphlet, and of all Others of the same Leaven; so it ought to put an Eternal Silence for the future On the Tongues and Pens of all private men for reviving and improving such an Unchristian, such a Diabolical Principle, as this of persecuting AS BY LAW ESTABLISHED, that is of keeping up Those PENAL STATUTES, which are the severest Task-Masters to Dissenters, for like *Pharaoh* they will continue them in Bondage, and *not let them go to serve the Lord*.

I am,

SIR,

Your most Obedient
Servant.

F I N I S.

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